

ISSUE 11



Should Same-Sex Couples Be Allowed to Legally Marry?

YES: Human Rights Campaign, from *Answers to Questions about Marriage Equality* (HRC's FamilyNet Project, 2004)

NO: Peter Sprigg, from *Questions and Answers: What's Wrong with Letting Same-Sex Couples 'Marry'?* (Family Research Council, 2004)

ISSUE SUMMARY

YES: The Human Rights Campaign (HRC), America's largest lesbian and gay organization, outlines the current disparities American lesbian and gay couples experience because they are not allowed to marry legally, as well as the logistical considerations involved in granting same-sex couples the right to marry.

NO: Peter Sprigg, director of the Center for Marriage and Family Studies at the Family Research Council, outlines why non-heterosexual relationships do not carry with them the same validity as heterosexual relationships, and therefore should not be allowed to marry legally.

The past few years have seen the topic of same-sex marriage rush into the forefront of the news and other media. As of October 2004, the only state in the United States allowing same-sex marriage is Massachusetts, although this is being challenged by those opposed to same-sex marriage by changing the state's Constitution. Same-sex couples in other states are challenging current laws by suing for the right to marry legally. As of 2006, New Jersey's State Supreme Court ruled that same-sex couples have a constitutional right to receive the same state benefits, protections, and obligations as different-sex married couples, leaving the naming of same-sex committed relationships to the state legislature, which voted at the end of that year to call them "civil unions." This, too, is being contested by proponents who believe that calling same-sex marriage anything other than marriage perpetuates the same principles of "separate but equal" that was all-too-familiar to Black and African American individuals until the civil rights movement in the 1960s.

On the other side of the debate, eight additional states in 2006 voted to amend their state's constitutions to define marriage as being exclusively between



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(Project, 2004)

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a man and a woman: Idaho, Colorado, South Dakota, Virginia, Tennessee, South Carolina, Wisconsin, and Alabama.

As of the writing of this piece, New Jersey, Connecticut, and Vermont are the only three states that offer civil union-type benefits to same-sex couples. Vermont became the first state to make civil unions legal between two people of the same sex. Although a same-sex couple cannot have a marriage license or refer to their union as a marriage, the benefits are the same as they would be for a heterosexual marriage. These unions are not, however, recognized in any other state. This is due in great part to the Defense of Marriage Act, which was signed into law in 1996 by President Bill Clinton. This Act says that no state is required to recognize a same-sex union, and defines marriage as being between a man and a woman only. Therefore, same-sex unions that are legal in one state do not have to be recognized as legal in another. Over 30 states have passed legislation saying they would not recognize a same-sex union that took place in another state.

Those who oppose same-sex marriage believe that marriage is, and always has been, between a man and a woman. They believe that a key part of marriage for many heterosexual couples is reproduction or another type of parenting arrangement, such as adoption. In those cases, they believe that any child should have two parents, one male and one female. Many do not oppose granting domestic partner benefits to same-sex partners, or even, in some cases, civil unions. They do, however, believe that if lesbian and gay couples were allowed to marry and to receive the legal and social benefits thereof, it would serve only to further erode the institution of marriage as it is currently defined, which, in the United States, boasts one divorce for every two marriages.

Supporters of same-sex marriage believe that if lesbian and gay couples wish to make a lifetime commitment, they should be afforded the same rights, privileges, and vocabulary as heterosexual couples. While some would be as happy with the term "civil union," accompanied by equal rights, others believe that making marriage available to all is the only way to go. Some lesbian and gay couples who are in committed, loving relationships resent that they have fewer rights than a heterosexual couple in which there is alcohol or drug abuse or domestic violence.

An argument that is raised in this debate is that granting same-sex couples the right to marry would open the door for adult pedophiles to petition to marry the children with whom they engage in their sexual relationships. Most lesbian and gay individuals and their supporters find this offensive, as well as an invalid comparison. What do you think?

In the following selections, both the Human Rights Campaign and Peter Sprigg raise the most common questions pertaining to same-sex marriage. The Human Rights Campaign enumerates the rights that are not currently available to same-sex couples in long-term committed relationships, and maintains that granting equal rights to these couples is good not only for them, but also for society as a whole. Among the concerns Peter Sprigg raises pertains to the expectation of heterosexual marriage to raise children, and that a same-sex couple is a harmful setting in which to do that.

Answers to Questions About Marriage Equality

Why Same-Sex Couples Want to Marry

Many same-sex couples want the right to legally marry because they are in love—either they just met the love of their lives, or more likely, they have spent the last 10, 20 or 50 years with that person—and they want to honor their relationship in the greatest way our society has to offer, by making a public commitment to stand together in good times and bad, through all the joys and challenges family life brings.

Many parents want the right to marry because they know it offers children a vital safety net and guarantees protections that unmarried parents cannot provide.

And still other people—both gay and straight—are fighting for the right of same-sex couples to marry because they recognize that it is simply not fair to deny some families the protections all other families are eligible to enjoy.

Currently in the United States, same-sex couples in long-term, committed relationships pay higher taxes and are denied basic protections and rights granted to married heterosexual couples. Among them:

- **Hospital visitation.** Married couples have the automatic right to visit each other in the hospital and make medical decisions. Same-sex couples can be denied the right to visit a sick or injured loved one in the hospital.
- **Social Security benefits.** Married people receive Social Security payments upon the death of a spouse. Despite paying payroll taxes, gay and lesbian partners receive no Social Security survivor benefits—resulting in an average annual income loss of \$5,528 upon the death of a partner.
- **Immigration.** Americans in binational relationships are not permitted to petition for their same-sex partners to immigrate. As a result, they are often forced to separate or move to another country.
- **Health insurance.** Many public and private employers provide medical coverage to the spouses of their employees, but most employers do not provide coverage to the life partners of gay and lesbian employees. Gay employees who do receive health coverage for their partners must pay federal income taxes on the value of the insurance.

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- **Estate taxes.** A married person automatically inherits all the property of his or her deceased spouse without paying estate taxes. A gay or lesbian taxpayer is forced to pay estate taxes on property inherited from a deceased partner.
- **Retirement savings.** While a married person can roll a deceased spouse's 401(k) funds into an IRA without paying taxes, a gay or lesbian American who inherits a 401(k) can end up paying up to 70 percent of it in taxes and penalties.
- **Family leave.** Married workers are legally entitled to unpaid leave from their jobs to care for an ill spouse. Gay and lesbian workers are not entitled to family leave to care for their partners.
- **Nursing homes.** Married couples have a legal right to live together in nursing homes. Because they are not legal spouses, elderly gay or lesbian couples do not have the right to spend their last days living together in nursing homes.
- **Home protection.** Laws protect married seniors from being forced to sell their homes to pay high nursing home bills; gay and lesbian seniors have no such protection.
- **Pensions.** After the death of a worker, most pension plans pay survivor benefits only to a legal spouse of the participant. Gay and lesbian partners are excluded from such pension benefits.

Why Civil Unions Aren't Enough

Comparing marriage to civil unions is a bit like comparing diamonds to rhinestones. One is, quite simply, the real deal; the other is not. Consider:

- Couples eligible to marry may have their marriage performed in any state and have it recognized in every other state in the nation and every country in the world.
- Couples who are joined in a civil union in Vermont (the only state that offers civil unions) have no guarantee that its protections will even travel with them to neighboring New York or New Hampshire—let alone California or any other state.

Moreover, even couples who have a civil union and remain in Vermont receive only second-class protections in comparison to their married friends and neighbors. While they receive state-level protections, they do not receive any of the *more than 1,100 federal benefits and protections of marriage*.

In short, civil unions are not separate but equal—they are separate and unequal. And our society has tried separate before. It just doesn't work. . . .

Answers to Questions People Are Asking

I Believe God Meant Marriage for Men and Women. How Can I Support Marriage for Same-Sex Couples?

Many people who believe in God—and fairness and justice for all—ask this question. They feel a tension between religious beliefs and democratic values that has been experienced in many different ways throughout our nation's history. That is why the framers of our Constitution established the principle

of separation of church and state. That principle applies no less to the marriage issue than it does to any other.

Indeed, the answer to the apparent dilemma between religious beliefs and support for equal protections for all families lies in recognizing that marriage has a significant religious meaning for many people, but that it is also a legal contract. And it is strictly the legal—not the religious—dimension of marriage that is being debated now.

Granting marriage rights to same-sex couples would *not* require Christianity, Judaism, Islam or any other religion to perform these marriages. It would not require religious institutions to permit these ceremonies to be held on their grounds. It would not even require that religious communities discuss the issue. People of faith would remain free to make their own judgments about what makes a marriage in the eyes of God—just as they are today.

Consider, for example, the difference in how the Catholic Church and the U.S. government view couples who have divorced and remarried. Because church tenets do not sanction divorce, the second marriage is not valid in the church's view. The government, however, recognizes the marriage by extending to the remarried couple the same rights and protections as those granted to every other married couple in America. In this situation—as would be the case in marriage for same-sex couples—the church remains free to establish its own teachings on the religious dimension of marriage while the government upholds equality under law.

It should also be noted that there are a growing number of religious communities that have decided to bless same-sex unions. Among them are Reform Judaism, the Unitarian Universalist Association and the Metropolitan Community Church. The Presbyterian Church (USA) also allows ceremonies to be performed, although they are not considered the same as marriage. The Episcopal Church and United Church of Christ allow individual churches to set their own policies on same-sex unions.

"This Is Different From Interracial Marriage. Sexual Orientation Is a Choice."

... Decades of research all point to the fact that sexual orientation is not a choice, and that a person's sexual orientation cannot be changed. Who one is drawn to is a fundamental aspect of who we are.

In this way, the struggle for marriage equality for same-sex couples is just as basic as the fight for interracial marriage was. It recognizes that Americans should not be coerced into false and unhappy marriages but should be free to marry the person they love—thereby building marriage on a true and stable foundation.

"Won't This Create a Free-For-All and Make the Whole Idea of Marriage Meaningless?"

Many people share this concern because opponents of gay and lesbian people have used this argument as a scare tactic. But it is not true. Granting same-sex couples the right to marry would in no way change the number of people who could enter into a marriage (or eliminate restrictions on the age or familial

relationships of those who may marry). Marriage would continue to recognize the highest possible commitment that can be made between two adults, plain and simple. . . .

"I Strongly Believe Children Need a Mother and a Father."

Many of us grew up believing that everyone needs a mother and father, regardless of whether we ourselves happened to have two parents, or two *good* parents.

But as families have grown more diverse in recent decades, the researchers have studied how these different family relationships affect children, it has become clear that the *quality* of a family's relationship is more important than the particular *structure* of families that exist today. In other words, the qualities that help children grow into good and responsible adults—learning how to learn, to have compassion for others, to contribute to society and be respectful of others and their differences—do not depend on the sexual orientation of their parents but on their parents' ability to provide a loving, stable and happy home, something no class of Americans has an exclusive hold on.

That is why research studies have consistently shown that children raised by gay and lesbian parents do just as well on all conventional measure of child development, such as academic achievement, psychological well-being and social abilities, as children raised by heterosexual parents.

That is also why the nation's leading child welfare organizations, including the American Academy of Pediatrics, the American Academy of Family Physicians and others, have issued statements that dismiss assertions that only heterosexual couples can be good parents—and declare that the focus should now be on providing greater protections for the 1 million to 9 million children being raised by gay and lesbian parents in the United States today. . . .

"How Could Marriage for Same-Sex Couples Possibly Be Good for the American Family—or Our Country?"

. . . The prospect of a significant change in our laws and customs has often caused people to worry more about dire consequences that could result than about the potential positive outcomes. In fact, precisely the same anxiety arose when some people fought to overturn the laws prohibiting marriage between people of different races in the 1950s and 1960s. (One Virginia judge even declared that "God intended to separate the races.")

But in reality, opening marriage to couples who are so willing to fight for it could only strengthen the institution for all. It would open the doors to more supporters, not opponents. And it would help keep the age-old institution alive.

As history has repeatedly proven, institutions that fail to take account of the changing needs of the population are those that grow weak; those that recognize and accommodate changing needs grow strong. For example, the U.S. military, like American colleges and universities, grew stronger after permitting African Americans and women to join its ranks.

Similarly, granting same-sex couples the right to marry would strengthen the institution of marriage by allowing it to better meet the needs of the true diversity of family structures in America today. . . .

"Can't Same-Sex Couples Go to a Lawyer to Secure All the Rights They Need?"

Not by a long shot. When a gay or lesbian person gets seriously ill, there is no legal document that can make their partner eligible to take leave from work under the federal Family and Medical Leave Act to provide care—because that law applies only to married couples.

When gay or lesbian people grow old and in need of nursing home care, there is no legal document that can give them the right to Medicaid coverage without potentially causing their partner to be forced from their home—because the federal Medicaid law only permits married spouses to keep their home without becoming ineligible for benefits.

And when a gay or lesbian person dies, there is no legal document that can extend Social Security survivor benefits or the right to inherit a retirement plan without severe tax burdens that stem from being "unmarried" in the eyes of the law.

These are only a few examples of the critical protections that are granted through more than 1,100 federal laws that protect only married couples. In the absence of the right to marry, same-sex couples can only put in place a handful of the most basic arrangements, such as naming each other in a will or a power of attorney. And even these documents remain vulnerable to challenges in court by disgruntled family members.

"Won't This Cost Taxpayers Too Much Money?"

No, it wouldn't necessarily cost much at all. In fact, treating same-sex couples as families under law could even save taxpayers money because marriage would require them to assume legal responsibility for their joint living expenses and reduce their dependence on public assistance programs, such as Medicaid, Temporary Assistance to Needy Families, Supplemental Security Income disability payments and food stamps.

Put another way, the money it would cost to extend benefits to same-sex couples could be outweighed by the money that would be saved as these families rely more fully on each other instead of state or federal government assistance.

For example, two studies conducted in 2003 by professors at the University of Massachusetts, Amherst, and the University of California, Los Angeles, found that extending domestic partner benefits to same-sex couples in California and New Jersey would save taxpayers millions of dollars a year.

Specifically, the studies projected that the California state budget would save an estimated \$8.1 million to \$10.6 million each year by enacting the most comprehensive domestic partner law in the nation. In New Jersey, which passed a new domestic partner law in 2004, the savings were projected to be even higher—more than \$61 million each year.

(Sources: "Equal Rights, Fiscal Responsibility: The Impact of A.B. 205 on California's Budget," by M. V. Lee Badgett, Ph.D., IGLSS, Department of Economics, University of Massachusetts, and R. Bradley Sears, J.D., Williams Project, UCLA School of Law, University of California, Los Angeles, May 2003, and "Supporting Families, Saving Funds: A Fiscal Analysis of New Jersey's Domestic

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Partnership Act," by Badgett and Sears with Suzanne Goldberg, J.D., Rutgers School of Law-Newark, December 2003.)

"Where Can Same-Sex Couples Marry Today?"

In 2001, the Netherlands became the first country to extend marriage rights to same-sex couples. Belgium passed a similar law two years later. The laws in both of these countries, however, have strict citizenship or residency requirements that do not permit American couples to take advantage of the protections provided.

In June 2003, Ontario became the first Canadian province to grant marriage to same-sex couples, and in July 2003, British Columbia followed suit—becoming the first places that American same-sex couples could go to get married.

In November 2003, the Massachusetts Supreme Judicial Court recognized the right of same-sex couples to marry—giving the state six months to begin issuing marriage licenses to same-sex couples. It began issuing licenses May 17, 2004.

In February 2004, the city of San Francisco began issuing marriage licenses to same-sex couples after the mayor declared that the state constitution forbade him to discriminate. The issue is being addressed by California courts, and a number of other cities have either taken or are considering taking steps in the same direction.

Follow the latest developments in California, Oregon, New Jersey, New Mexico, New York and in other communities across the country. . . .

Other nations have also taken steps toward extending equal protections to all couples, though the protections they provide are more limited than marriage. Canada, Denmark, Finland, France, Germany, Iceland, Norway, Portugal and Sweden all have nationwide laws that grant same-sex partners a range of important rights, protections and obligations.

For example, in France, registered same-sex (and opposite-sex) couples can be joined in a civil "solidarity pact" that grants them the right to file joint tax returns, extend social security coverage to each other and receive the same health, employment and welfare benefits as legal spouses. It also commits the couple to assume joint responsibility for household debts.

Other countries, including Switzerland, Scotland and the Czech Republic, also have considered legislation that would legally recognize same-sex unions.

"What Protections Other Than Marriage Are Available to Same-Sex Couples?"

At the federal level, there are no protections at all available to same-sex couples. In fact, a federal law called the "Defense of Marriage Act" says that the federal government will discriminate against same-sex couples who marry by refusing to recognize their marriages or providing them with the federal protections of marriage. Some members of Congress are trying to go even further by attempting to pass a Federal Marriage Amendment that would write discrimination against same-sex couples into the U.S. Constitution.

10 FACTS

1. Same-sex couples live in 99.3 percent of all counties nationwide.
2. There are an estimated 3.1 million people living together in same-sex relationships in the United States.
3. Fifteen percent of these same-sex couples live in rural settings.
4. One out of three lesbian couples is raising children. One out of five gay male couples is raising children.
5. Between 1 million and 9 million children are being raised by gay, lesbian and bisexual parents in the United States today.
6. At least one same-sex couple is raising children in 96 percent of all counties nationwide.
7. The highest percentages of same-sex couples raising children live in the South.
8. Nearly one in four same-sex couples includes a partner 55 years old or older, and nearly one in five same-sex couples is composed of two people 55 or older.
9. More than one in 10 same-sex couples include a partner 65 years old or older, and nearly one in 10 same-sex couples is composed of two people 65 or older.
10. The states with the highest numbers of same-sex senior couples are also the most popular for heterosexual senior couples: California, New York and Florida.

These facts are based on analyses of the 2000 Census conducted by the Urban Institute and the Human Rights Campaign. The estimated number of people in same-sex relationships has been adjusted by 62 percent to compensate for the widely-reported undercount in the Census. . . .

At the state level, only Vermont offers civil unions, which provide important state benefits but no federal protections, such as Social Security survivor benefits. There is also no guarantee that civil unions will be recognized outside Vermont. Thirty-nine states also have "defense of marriage" laws explicitly prohibiting the recognition of marriages between same-sex partners.

Domestic partner laws have been enacted in California, Connecticut, New Jersey, Hawaii and the District of Columbia. The benefits conferred by these laws vary; some offer access to family health insurance, others confer co-parenting rights. These benefits are limited to residents of the state. A family that moves out of these states immediately loses the protections.

Peter Sprigg



Questions and Answers: What's Wrong With Letting Same-Sex Couples "Marry?"

What's Wrong With Letting Same-Sex Couples Legally "Marry?"

There are two key reasons why the legal rights, benefits, and responsibilities of civil marriage should not be extended to same-sex couples.

The first is that homosexual relationships are not marriage. That is, they simply do not fit the minimum necessary condition for a marriage to exist—namely, the union of a man and a woman.

The second is that homosexual relationships are harmful. Not only do they not provide the same benefits to society as heterosexual marriages, but their consequences are far more negative than positive.

Either argument, standing alone, is sufficient to reject the claim that same-sex unions should be granted the legal status of marriage.

Let's Look at the First Argument.

Isn't Marriage Whatever the Law Says It Is?

No. Marriage is not a creation of the law. Marriage is a fundamental human institution that predates the law and the Constitution. At its heart, it is an anthropological and sociological reality, not a legal one. Laws relating to marriage merely recognize and regulate an institution that already exists.

This does not say or connect to religion institution or polygamy

But Isn't Marriage Just a Way of Recognizing People Who Love Each Other and Want to Spend Their Lives Together?

If love and companionship were sufficient to define marriage, then there would be no reason to deny "marriage" to unions of a child and an adult, or an adult child and his or her aging parent, or to roommates who have no sexual relationship, or to groups rather than couples. Love and companionship are usually considered integral to marriage in our culture, but they are not sufficient to define it as an institution. . . .

Why Should Homosexuals Be Denied the Right to Marry Like Anyone Else?

The fundamental "right to marry" is a right that rests with individuals, not with couples. Homosexual *individuals* already have exactly the same "right" to

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marry as anyone else. Marriage license applications do not inquire as to a person's "sexual orientation." . . . *but it does ask gender*

is that about fact?
 However, while every individual person is free to get married, *no* person, whether heterosexual or homosexual, has ever had a legal right to marry simply any willing partner. Every person, whether heterosexual or homosexual, is subject to legal restrictions as to whom they may marry. To be specific, every person, regardless of sexual preference, is legally barred from marrying a child, a close blood relative, a person who is already married, or a person of the same sex. There is no discrimination here, nor does such a policy deny anyone the "equal protection of the laws" (as guaranteed by the Constitution), since these restrictions apply equally to every individual.

Some people may wish to do away with one or more of these longstanding restrictions upon one's choice of marital partner. However, the fact that a tiny but vocal minority of Americans desire to have someone of the same sex as a partner does not mean that they have a "right" to do so, any more than the desires of other tiny (but less vocal) minorities of Americans give them a "right" to choose a child, their own brother or sister, or a group of two or more as their marital partners.

Isn't Prohibiting Homosexual "Marriage" Just as Discriminatory as Prohibiting Interracial Marriage, Like Some States Used to Do?

This analogy is not valid at all. Bridging the divide of the sexes by uniting men and women is both a worthy goal and a part of the fundamental purpose of marriage, common to all human civilizations.

Laws against interracial marriage, on the other hand, served only the purpose of preserving a social system of racial segregation. This was both an unworthy goal and one utterly irrelevant to the fundamental nature of marriage.

Allowing a black woman to marry a white man does not change the definition of marriage, which requires one man and one woman. Allowing two men or two women to marry would change that fundamental definition. Banning the "marriage" of same-sex couples is therefore essential to preserve the nature and purpose of marriage itself. . . . *what is the nature of marriage*

How Would Allowing Same-Sex Couples to Marry Change Society's Concept of Marriage?

As an example, marriage will open wide the door to homosexual adoption, which will simply lead to more children suffering the negative consequences of growing up without both a mother and a father.

Among homosexual men in particular, casual sex, rather than committed relationships, is the rule and not the exception. And even when they do enter into a more committed relationship, it is usually of relatively short duration. For example, a study of homosexual men in the Netherlands (the first country in the world to legalize "marriage" for same-sex couples), published in the journal *AIDS* in 2003, found that the average length of "steady partnerships" was not more than 2 < years (Maria Xiridou et al., in *AIDS* 2003, 17:1029-1038).

In addition, studies have shown that even homosexual men who are in "committed" relationships are not sexually faithful to each other. While

infidelity among heterosexuals is much too common, it does not begin to compare to the rates among homosexual men. The 1994 National Health and Social Life Survey, which remains the most comprehensive study of Americans' sexual practices ever undertaken, found that 75 percent of married men and 90 percent of married women had been sexually faithful to their spouse. On the other hand, a major study of homosexual men in "committed" relationships found that only seven out of 156 had been sexually faithful, or 4.5 percent. The Dutch study cited above found that even homosexual men in "steady partnerships" had an average of eight "casual" sex partners per year.

So if same-sex relationships are legally recognized as "marriage," the idea of marriage as a sexually exclusive and faithful relationship will be dealt a serious blow. Adding monogamy and faithfulness to the other pillars of marriage that have already fallen will have overwhelmingly negative consequences for Americans' physical and mental health. . . .

Don't Homosexuals Need Marriage Rights So That They Will Be Able to Visit Their Partners in the Hospital?

The idea that homosexuals are routinely denied the right to visit their partners in the hospital is nonsense. When this issue was raised during debate over the Defense of Marriage Act in 1996, the Family Research Council did an informal survey of nine hospitals in four states and the District of Columbia. None of the administrators surveyed could recall a single case in which a visitor was barred because of their homosexuality, and they were incredulous that this would even be considered an issue.

Except when a doctor limits visitation for medical reasons, final authority over who may visit an adult patient rests with that patient. This is and should be the case regardless of the sexual orientation or marital status of the patient or the visitor.

The only situation in which there would be a possibility that the blood relatives of a patient might attempt to exclude the patient's homosexual partner is if the patient is unable to express his or her wishes due to unconsciousness or mental incapacity. Homosexual partners concerned about this (remote) possibility can effectively preclude it by granting to one another a health care proxy (the legal right to make medical decisions for the patient) and a power of attorney (the right to make all legal decisions for another person). Marriage is not necessary for this. It is inconceivable that a hospital would exclude someone who holds the health care proxy and power of attorney for a patient from visiting that patient, except for medical reasons.

The hypothetical "hospital visitation hardship" is nothing but an emotional smokescreen to distract people from the more serious implications of radically redefining marriage.

Don't Homosexuals Need the Right to Marry Each Other in Order to Ensure That They Will Be Able to Leave Their Estates to Their Partner When They Die?

As with the hospital visitation issue, the concern over inheritance rights is something that simply does not require marriage to resolve it. Nothing in current law prevents homosexual partners from being joint owners of property

such as a home or a car, in which case the survivor would automatically become the owner if the partner dies.

An individual may leave the remainder of his estate to whomever he wishes—again, without regard to sexual orientation or marital status—simply by writing a will. As with the hospital visitation issue, blood relatives would only be able to overrule the surviving homosexual partner in the event that the deceased had failed to record his wishes in a common, inexpensive legal document. Changing the definition of a fundamental social institution like marriage is a rather extreme way of addressing this issue. Preparing a will is a much simpler solution.

Don't Homosexuals Need Marriage Rights So That They Can Get Social Security Survivor Benefits When a Partner Dies?

... Social Security survivor benefits were designed to recognize the non-monetary contribution made to a family by the homemaking and child-rearing activities of a wife and mother, and to ensure that a woman and her children would not become destitute if the husband and father were to die.

The Supreme Court ruled in the 1970s that such benefits must be gender-neutral. However, they still are largely based on the premise of a division of roles within a couple between a breadwinner who works to raise money and a homemaker who stays home to raise children.

Very few homosexual couples organize their lives along the lines of such a "traditional" division of labor and roles. They are far more likely to consist of two earners, each of whom can be supported in old age by their own personal Social Security pension.

Furthermore, far fewer homosexual couples than heterosexual ones are raising children at all, for the obvious reason that they are incapable of natural reproduction with each other. This, too, reduces the likelihood of a traditional division of labor among them.

Survivor benefits for the legal (biological or adopted) children of homosexual parents (as opposed to their partners) are already available under current law, so "marriage" rights for homosexual couples are unnecessary to protect the interests of these children themselves. . . .

Even If "Marriage" Itself Is Uniquely Heterosexual, Doesn't Fairness Require That the Legal and Financial Benefits of Marriage Be Granted to Same-Sex Couples—Perhaps Through "Civil Unions" or "Domestic Partnerships?"

No. The legal and financial benefits of marriage are not an entitlement to be distributed equally to all (if they were, single people would have as much reason to consider them "discriminatory" as same-sex couples). Society grants benefits to marriage because marriage has benefits for society—including, but not limited to, the reproduction of the species in households with the optimal household structure (i.e., the presence of both a mother and a father).

Homosexual relationships, on the other hand, have no comparable benefit for society, and in fact impose substantial costs on society. The fact that AIDS is at least ten times more common among men who have sex with men than among the general population is but one example. . . .

Handwritten note in purple ink: "Hetero - free of HOS is also"

Isn't It Possible That Allowing Homosexuals to "Marry" Each Other Would Allow Them to Participate in Those Benefits as Well?

Opening the gates of "marriage" to homosexuals is far more likely to change the attitudes and behavior of heterosexuals for the worse than it is to change the lifestyles of homosexuals for the better. . . .

What About the Argument That Homosexual Relations Are Harmful? What Do You Mean by That?

Homosexual men experience higher rates of many diseases, including:

- Human Papillomavirus (HPV), which causes most cases of cervical cancer in women and anal cancer in men
- Hepatitis A, B, and C
- Gonorrhea
- Syphilis
- "Gay Bowel Syndrome," a set of sexually transmitted gastrointestinal problems such as proctitis, proctocolitis, and enteritis
- HIV/AIDS (One Canadian study found that as a result of HIV alone, "life expectancy for gay and bisexual men is eight to twenty years less than for all men.")

Lesbian women, meanwhile, have a higher prevalence of:

- Bacterial vaginosis
- Hepatitis C
- HIV risk behaviors
- Cancer risk factors such as smoking, alcohol use, poor diet, and being overweight . . .

Do Homosexuals Have More Mental Health Problems as Well?

Yes. Various research studies have found that homosexuals have higher rates of:

- Alcohol abuse
- Drug abuse
- Nicotine dependence
- Depression
- Suicide

Isn't It Possible That These Problems Result From Society's "Discrimination" Against Homosexuals?

This is the argument usually put forward by pro-homosexual activists. However, there is a simple way to test this hypothesis. If "discrimination" were the cause of homosexuals' mental health problems, then one would expect those problems to be much less common in cities or countries, like San Francisco or the Netherlands, where homosexuality has achieved the highest levels of acceptance.

In fact, the opposite is the case. In places where homosexuality is widely accepted, the physical and mental health problems of homosexuals are greater, not less. This suggests that the real problem lies in the homosexual lifestyle

itself, not in society's response to it. In fact, it suggests that increasing the level of social support for homosexual behavior (by, for instance, allowing same-sex couples to "marry") would only increase these problems, not reduce them. . . .

Haven't Studies Shown That Children Raised by Homosexual Parents Are No Different From Other Children?

No. This claim is often put forward, even by professional organizations. The truth is that most research on "homosexual parents" thus far has been marred by serious methodological problems. However, even pro-homosexual sociologists Judith Stacey and Timothy Biblarz report that the actual data from key studies show the "no differences" claim to be false.

Surveying the research (primarily regarding lesbians) in an *American Sociological Review* article in 2001, they found that:

- Children of lesbians are less likely to conform to traditional gender norms.
- Children of lesbians are more likely to engage in homosexual behavior.
- Daughters of lesbians are "more sexually adventurous and less chaste."
- Lesbian "co-parent relationships" are more likely to end than heterosexual ones.

A 1996 study by an Australian sociologist compared children raised by heterosexual married couples, heterosexual cohabiting couples, and homosexual cohabiting couples. It found that the children of heterosexual married couples did the best, and children of homosexual couples the worst, in nine of the thirteen academic and social categories measured. . . .

Do the American People Want to See "Marriages" Between Same-Sex Couples Recognized by Law?

No—and in the wake of the June 2003 court decisions to legalize such "marriages" in the Canadian province of Ontario and to legalize homosexual sodomy in the United States, the nation's opposition to such a radical social experiment has actually grown.

Five separate national opinion polls taken between June 24 and July 27, 2003 showed opponents of civil "marriage" for same-sex couples outnumbering supporters by not less than fifteen percentage points in every poll. The wording of poll questions can make a significant difference, and in this case, the poll with the most straightforward language (a Harris/CNN/Time poll asking "Do you think marriages between homosexual men or homosexual women should be recognized as legal by the law?") resulted in the strongest opposition, with 60 percent saying "No" and only 33 percent saying "Yes."

Even where pollsters drop the word "marriage" itself and use one of the euphemisms to describe a counterfeit institution parallel to marriage, we see a decline in public support for the homosexual agenda. The Gallup Poll, for instance, has asked, "Would you favor or oppose a law that would allow homosexual couples to legally form civil unions, giving them some of the legal rights of married couples?"

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This question itself is misleading, in that it downplays the legal impact of "civil unions." Vermont, the only U.S. state to adopt "civil unions" (under coercion of a state court), actually gives all "of the legal rights of married couples" available under state law to people in a same-sex "civil union"—not just "some." But despite this distortion, a 49-percent-to-49-percent split on this question in May 2003 had changed to opposition by a margin of 58 percent to 37 percent when the *Washington Post* asked the identical question in August 2003.

Even the percentage of Americans willing to declare that "homosexual relations between consenting adults" (never mind homosexual civil "marriage") "should be legal" dropped from 60 percent to only 48 percent between May and July of 2003. The biggest drop in support, a stunning 23 percentage points (from 58 percent to 35 percent), came among African Americans—despite the rhetoric of pro-homosexual activists who seek to frame the issues of "gay rights" and same-sex unions as a matter of "civil rights." . . .



POSTSCRIPT



Should Same-Sex Couples Be Allowed to Legally Marry?

Part of this discussion is that marriage is a civil right, not an inherent or moral one. Those supporting marriage rights for lesbian and gay couples cite the struggles of the civil rights movement of the 1960s in their current quest for equality for all couples. Among the points they make is that up until 1967, it was still illegal in some states for people of different races to marry. Many opponents find the idea of comparing same-sex marriage to the civil rights struggles of the 1960s and earlier is offensive, that it is like comparing apples and oranges. Many of these individuals believe that sexual orientation is chosen, rather than an inherent part of who one is—unlike race, which is pre-determined. Most sexuality experts, however, agree that while we do not know for sure what “causes” a person to be heterosexual, bisexual, or homosexual, it is clear that it is determined very early in life, perhaps even before we are born. Regardless, is marriage a civil right? A legal right? An inherent right?

