

Five Key Reasons for Marriage Equality

1. MARRIAGE HELPS COUPLES KEEP THEIR COMMITMENTS

Marriage provides protections for couples who have made a lifelong commitment to take care of and be responsible for each other. Keeping those commitments is harder when couples are barred from marriage, especially in tough times, because they may be denied the right to:

- Stop an eviction when the landlord says unmarried adults cannot live together
- Get social security benefits the couple earned through involuntary deductions to their paychecks
- Get family medical leave to care for an ill partner
- Make medical decisions for a partner in a coma
- Visit a dying partner in the hospital
- Carry out the wishes of a deceased partner for a memorial service and epitaph
- Keep the home and personal possessions after a partner dies without a will and unknown relatives appear with a moving truck

Many same-sex couples cannot afford the legal documents that create the few protections available. Those who can afford them, while increasing their security, still find that the documents are sometimes ignored in certain situations. That is no surprise because the exclusion from marriage marks the couple as unworthy and thus deserving of discrimination. It's wrong to put committed couples in harm's way and cause these tragedies.

When Bobby Daniel was dying in a hospital, what he needed most was Bill Flanigan, his lifelong partner, by his side. But Bill was kept for hours in the waiting room until Bobby's mother could fly in by plane, and this is what she had to say after learning about what happened: "Bill and Bobby were soul mates and one of the best couples I've known. They loved each other, took care of each other, came to family holidays as a couple and Bill still baby-sits for my grandson. If that isn't family, then something is very wrong. When someone is dying, hospitals should be bringing families together rather than keeping them apart."

Bill Flanigan spoke of his ordeal: "When you love someone and make a commitment to each other for good times and bad, there is an awful feeling when you can't follow through on your promises. I have a huge hole in my heart, and my soul, because I wasn't allowed to be with Bobby when he needed me most."

It's wrong to stand in the way of couples trying to keep their promise to be there for each other in sickness and health and provide for each other in times of trouble or death.

Additional online resources:

[Protecting Same-Sex Relationships](#)

[Grace Daniel's and Bill Flanigan's statements](#)

2. ENDING THE MARRIAGE EXCLUSION HELPS FAMILY AND BUSINESS

When people are blocked from the legal protections that help keep a lifelong promise to someone they've chosen to take care of for life, they often feel they have to move to another state, and that's bad for their families, friends, and is even bad for business in the state. Most parents would like to have their grown children nearby, so it's easier to see each other, participate together in important holidays and other family events, and have a stronger system of support for all. Some grown children who would rather stay in their home state have to reconsider when they find, because they are in a same-sex relationship, that they cannot get the legal protections to best support their responsibility to take care of a partner. Far too many parents have had to watch their grown children leave their home state because of the exclusion from marriage. Far too many good friends have had the same experience of saying goodbye to people they had hoped would share their lives, including both the joy of good times and mutual support for the bad times.

The exclusion from marriage also impairs the ability of employers, large and small, to attract and retain the most comprehensive pool of talented and committed employees. Current and prospective employees place a value on whether they live in a place that supports their commitment to take care of and be responsible for a loved one. They often will make their employment decisions based on whether the state respects that value.

And the marriage exclusion can be bad for business in other ways. For instance, same-sex couples are increasingly avoiding tourist destinations in states that bar them legal protections, and national membership organizations and multi-state employers have begun to consider policies that avoid siting conventions/conferences/meetings in states where some members or employers may not feel that they are adequately safe as a legal matter (see the "safety scale" below).

Additional online resources:

[Lambda Legal's Safety Scale Respect for Same-Sex Couples' Relationships](#)

3. THE FREEDOM TO MARRY STILL RESPECTS THE FREEDOM OF RELIGION

Ending the exclusion from marriage does not take away the important religious freedom that we rightly cherish in this country. All religious groups retain the right to make their own decisions, consistent with the principles of their faith, about whom they will and won't marry. Some religious groups refuse to marry a couple unless both people are of that group's particular faith. Other religious groups refuse to marry people who have been previously married and divorced. Allowing same-sex couples to marry does not change that important religious freedom. Some groups will refuse to marry same-sex couples, and that choice should be respected under the law.

On the other hand, a growing number of faith groups want religious freedom to celebrate the lifelong commitments made by individuals in same-sex couples, because for them the core of spirituality is precisely the commitments people make, because that demonstrates peoples' values. For instance, Maureen Kilian, a church administrator and devout Episcopalian who was a plaintiff in Lambda Legal's New Jersey case seeking access to marriage for same-sex couples, gave the following testimony: "For me, being married also tells people about your values and your faith, because it is an incredibly important commitment that has a spiritual side. In my faith, the marriage commitment is really important. Straight couples whose belief systems place a priority on commitment can, by getting married, show that their actions match the words of their beliefs." Allowing Kilian to marry her partner of over 30 years would respect her religious freedom to have her actions match the words of her beliefs. At the same time it would not interfere with the important religious freedom of faith groups that do not wish to marry same-sex couples, divorced individuals, persons of a different faith or anyone at all.

Additional online resources:
[Testimony of Maureen Kilian](#)

[Friend-of-the-Court brief by Iowa Faith Leaders](#)

4. MASSACHUSETTS ENDED THE MARRIAGE EXCLUSION

Massachusetts no longer shuts committed same-sex couples out of marriage. The sky has not fallen, and actually communities are better off, because promoting responsibility is good for everyone. As observed by the Massachusetts newspaper *The Republican*, "even some of [the] most vocal opponents have come to realize that the controversy over [allowing access to] marriage was a lot of fuss about nothing." In fact, *The Boston Globe* reported that in the first election after the discrimination ended, "every challenger to a supporter of gay marriage was defeated."

On the anniversary of the freedom to marry for same-sex couples in Massachusetts, the *Globe* declared in a May 17, 2005, editorial that "[i]t strains the imagination to see how a year of [allowing access to] marriage has caused the state any discernible harm." Relating to the fuss raised over so-called traditional marriage, U.S. Supreme Court Justice Scalia explained in his dissent to *Lawrence v. Texas* that the argument for "preserving the traditional institution of marriage . . . is just a kinder way" of expressing disapproval of same-sex couples.

As a nation, will we support or undermine the lifelong promise to take care of and be responsible for one another? When we support commitments, everybody wins.

Additional online resources:

[All news cites in: Massachusetts Elected Officials' brief in Iowa case](#)

5. 28 OTHER NATIONS PROTECT SAME-SEX COUPLES

Twenty-eight nations have helped same-sex couples keep their commitments, and the sky hasn't fallen. For the United States to lag behind so many other nations contradicts its own history and principles. After all, the United States fought against Britain's tyrannical power and then founded itself on a constitution promising equality and liberty to keep government tyranny in check. When those promises are kept, we all have equal opportunity to contribute as best we can to our families, communities, and country. With access to marriage in particular, couples can better keep their own promises to take care of and be responsible for each other.

Same-sex couples can marry under legislation passed in Belgium, Spain, Canada, South Africa, and The Netherlands. Such couples have many of the protections of marriage in Denmark, Finland, Germany, Iceland, New Zealand, Norway, South Africa, Sweden, the United Kingdom, and Uruguay. And they have at least some protections in Andorra, Austria, Brazil, Colombia, Croatia, Czech Republic, France, Hungary, Israel, Luxembourg, Portugal, Slovenia, and Switzerland. That's 28 nations ahead of the United States in keeping promises and helping couples keep their own promises.

After helping to end the exclusion from marriage in Spain, Prime Minister Zapatero said, "We were not the first, but I am sure we will not be the last. After us will come many other countries, driven ... by two unstoppable forces: freedom and equality." In the United States, the forces of freedom and equality are moving like molasses. We need to show that the words of our constitution mean what they say, and help people keep their commitments to loved ones.

Additional online resources:

[International Progress Toward the Freedom to Marry](#)

[Marriage and partnership rights for same-sex partners: country-by-country](#)