

Candidates' Guide on How to Support Marriage Equality and Get Elected

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Americans are hungry for, and respect, candidates who speak up for what they believe and value. When addressing marriage equality for same-sex couples, candidates should be authentic and direct about their values and the policies of fairness that flow from them.

Candidates should not just support the freedom to marry because it is the right thing to do, but because it is also in their interest to do so. Not only does standing up for the values at stake (love, commitment, fairness, freedom, equal treatment) improve a candidate's chances for election, but also evidence proves candidates can vote right on ending discrimination in marriage and survive, indeed thrive.

No candidate for office will be able to ignore the national conversation over fairness for all families. For candidates, a forthright, comprehensive strategy to address these questions is politically essential as well as morally and substantively desirable.

By standing for your values, making the case for ending exclusion, and throwing the challenge back at opponents, candidates in the 2008 election will reverse the wedge and reinvigorate the discussion about the basic American values of fairness and equality, our shared aspirations for a secure family life, and the pursuit of happiness.

Standing for Values: How Do I Support the Freedom to Marry?

The truth is that fair-minded political leaders will never be anti-gay enough to quiet opponents. Candidates who say they are for equality but grow skittish on the equal freedom to marry under the law are offering incoherent positions that satisfy no one and only invite more questions. Leaders who don't support marriage fail in both directions: embracing the separate, unequal, and ultimately unworkable patchwork of civil unions while running from their declared commitment to fairness and equality.

Here is how to answer questions on the freedom to marry and same-sex couples:

I recognize and value the dignity and worth of all families. I believe in marriage and the good it offers society, and respect those who accept the commitment, protections, and responsibilities of marriage. Allowing same-sex couples to share that commitment does nothing to diminish my marriage with my (wife/husband).

Freedom of religion means that churches, synagogues, mosques, and other religious institutions may decide whether to marry any particular couple. But a democratic and constitutional government should not discriminate as to which couples get a marriage license. Government should not be putting obstacles in the path of people seeking to care for their loved ones, nor should government create unequal classes of citizens.

America is strongest when we support all our people equally and build strong communities. Because I believe in fairness for all American families, I support the responsibilities and security of marriage for same-sex couples willing to take on that commitment.

I disagree with those who would use this question to divide the American people. The majority of Americans believe in equal rights and protections for their fellow citizens, and so do I.

A clear principled answer like this will not cost a candidate support, and will also allow that candidate to appear strong and authentic, enabling him or her to move on to other questions the campaign would rather spend more time addressing.

Making the Case: Why Does Ending Exclusion from Marriage Matter?

Marriage provides protections and responsibilities, at least 1,138 tangible consequences under federal law alone—and that doesn't even include hundreds more under state and local law, employers, or the intangible security, dignity, and meaning that comes with marriage.¹

Excluding committed couples from marriage means that the government is disparaging their love for and commitment to each other, and denying them the tangible and intangible protections and responsibilities that come with marriage.

- ***Not my constituency or concern?*** Same-sex couples are found in all Congressional districts in the United States, and in every county across the country. The population numbers are drastically increasing as self-identification increases. **From 2000 to 2005 the number of self-identified same-sex couples in the U.S. increased by over 30 percent.**² Marriage discrimination affects same-sex couples everywhere, as well as their families, friends, neighbors, coworkers, school districts, and communities.

Marriage protects children and families. Marriage protects children by providing an economic safety net to their families, and to the kids themselves. All children deserve the right to insurance coverage, social security, emergency care and inheritance rights no matter who their parents are. All families benefit from the intangible reassurance that comes from knowing that their loved ones are safe and secure, and their legal bonds to one another are recognized and supported.

All reputable child-welfare experts including our nation's kid's doctors support ending the exclusion of same-sex couples from marriage, because it's in the best interest of children. The American Academy of Pediatrics reported that millions of children throughout the country are being raised by their gay and lesbian parents, and that won't change; what's at stake is whether those children and their families will continue to be denied the support and protections of marriage.³

- ***How many children are really affected?*** Across the United States, more than 39% of same-sex couples aged 22-55 are raising children -- experts estimate that number to be in the several millions.⁴ In addition, gay and lesbian parents are raising four percent of all adopted children and three percent of all foster children in the United States.⁵

Winning Elections: If I Support the Freedom to Marry, Will I Get Elected?

Public opinion shows that people are ready for pro-marriage candidates. A strong majority (59-percent) of Americans would not vote against presidential candidates who are strong supporters of full marriage rights for same-sex couples, according to a March 2007 Newsweek poll of nationwide adults.⁶

Pro-marriage incumbents and candidates win elections. American voters are in search of leadership. When political candidates show that leadership, even by taking a controversial stand, their honesty and integrity are rewarded on Election Day:

- *To date, every state legislator who has voted to support the freedom to marry, and run for re-election, has won;*⁷

- *Open-seat races with both a pro-marriage and anti-marriage candidate result in victory for the pro-marriage candidate a vast majority of the time;*⁸ *and*
- *In 2004, 94% of legislators (604 out of 640) who voted against the continued exclusion of same-sex couples from marriage were re-elected.*⁹ *The national climate continues to improve steadily.*

People are grappling with the question of ending discrimination in marriage. The public is getting more and more open to marriage equality, which they consider to be inevitable, and young people already strongly support it, as do other demographics and some state majorities. The trends confirm that candidates can take a stance for supporting marriage and win.

- *Even political leaders who evolve do well. State legislators who evolved their position from opposing to supporting the freedom to marry in Massachusetts had a 100% re-election rate.*¹⁰

Debate Preparation: What about the Opposition and Their Arguments?

Opponents of ending discrimination in marriage use scare tactics and hide behind protecting tradition to advance the continuation of inequality. **These arguments do not hold up. Here is why:**

***Claim:** Civil union, domestic partnership, or other non-marriage alternatives for lesbian and gay couples are good enough.*

Fact: Civil unions, or any other separate and unequal institution, are not equal and do not do justice to families. Supporting civil unions, domestic partnerships, or any other separate and unequal, second-tier alternative to equal rights, harms millions of Americans and their families, and sets a dangerous precedent which threatens the equality of all Americans.

These alternative legal mechanisms have deliberately been created both to approximate and withhold marriage itself. Seven years since the first civil unions (in Vermont), and with several states (California, Connecticut, New Hampshire, New Jersey, Oregon, and Vermont) now having gone down the non-marriage path, real-life application has shown that such separate alternatives do not provide equal access to the tangible or intangible protections, security, clarity, and respect that is only bestowed the legal structure of marriage.¹¹

The only way to end discrimination in marriage is to do just that -- end discrimination in marriage, not create a parallel and unequal status for committed same-sex couples and their kids.

***Claim:** Marriage is a religious institution, and the government ending the exclusion of same-sex couples from marriage would violate religious liberties.*

Fact: No church or clergy would be compelled to recognize same-sex unions (just as they need not allow divorced people to remarry, or perform a wedding of an interfaith couple, if they choose not to). At issue here is marriage -- a legal institution regulated by the government which provides protections and responsibilities for the safety and security of families. Every year, at least 40% of heterosexual couples in the United States who get married do so without a church, synagogue, mosque or religious ceremony. **The First Amendment plainly protects the right of people of faith to organize themselves according to their own beliefs and traditions, but it also rightly bars religious interference in who gets a marriage license from the government.**

***Claim:** Marriage exists to promote procreation.*

Fact: Gay and non-gay people have the same mix of reasons for wanting to marry, for many involving parenting, for many others not. Millions of non-gay married Americans are in non-procreative marriages (think of Bob and Elizabeth Dole, or George and Martha Washington). At the same time, across the United States, more than 39% of same-sex couples aged 22-55 are raising children.¹² It makes no sense to punish these children by withholding the structure of marriage from their parents. Even U.S. Supreme Court Justice Antonin Scalia conceded the weakness of the procreation argument in *Lawrence v. Texas*.¹³

Claim: Letting gay and lesbian couples marry would weaken the institution of marriage.

Fact: Inclusion strengthens the institution of marriage. To the extent our society believes -- as opponents have argued -- that marriage promotes stability, fidelity, and community, why would that not be true for same-sex couples as well? Gay men and lesbians will not use up all the marriage licenses, or discourage any non-gay couple from entering into their own loving, committed relationships. **Even former Rep. Bob Barr, sponsor of the 1996 federal anti-marriage law, now concedes as much, and Canada, Spain, Belgium, the Netherlands, South Africa and the state of Massachusetts show that societies can accord equality without the sky falling.**

There is simply no logical or constitutional reason why gay and lesbian couples should not have access to the basic civil right to marriage. Forty years ago the Supreme Court, in its *Loving v. Virginia* decision, stated, "The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men."¹⁴ And there is no good reason for maintaining discrimination that harms real families and young lives.

Conclusion

The American people deserve leaders who aren't afraid to lead. It's time for fair-minded political leaders to embrace their values, find their voices, and make the case for marriage equality. Ending the exclusion of same-sex couples from marriage is the clear and correct answer to the question of how to achieve equality. What's more: it is achievable. Candidates who say they want equality (and the votes of those who believe in equality) should be prepared to live up to their values and lead the way.

¹ U.S. General Accounting Office, *Defense of Marriage Act: Update to a Prior Report*, January 23, 2004; Evan Wolfson, *Why Marriage Matters: America, Equality, and Gay People's Right to Marry*, 2004.

² Gary Gates, *Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey*, October 2006.

³ "The Effects of Marriage, Civil Union, and Domestic Partnership Laws on the Health and Well-being of Children," *Pediatrics: Official Journal of The American Academy of Pediatrics*, July 2006.

⁴ R. Bradley Sears and Gary Gates, *Same-sex couples and same-sex couples raising children in the United States*, September 2005.

⁵ Gary Gates and M.V. Badgett and Kate Chambers and Jennifer Macomber, *Adoption and Foster Care by Gay and Lesbian Parents in the United States*, March 2007.

⁶ Nationwide Survey for *Newsweek* conducted by Princeton Survey Research Associates International, March 2007.

⁷ *Pro-Marriage Incumbents and Candidates Win Elections*, Freedom to Marry (www.freedomtomarry.org/document.asp?id=6095), July 2007.

⁸ *Ibid.*

⁹ *Standing Up for Equality*, Human Rights Campaign and Equality Federation, January 2005.

¹⁰ *Pro-Marriage Incumbents and Candidates Win Elections*, Freedom to Marry (www.freedomtomarry.org/document.asp?id=6095), July 2007.

¹¹ "Civil union laws don't ensure benefits," *Washington Post*, June 30, 2007

¹² R. Bradley Sears and Gary Gates, *Same-sex couples and same-sex couples raising children in the United States*, September 2005.

¹³ *Lawrence v. Texas*, June 26, 2003 (Scalia, J., dissenting)("what the benefits of marriage to homosexual couples exercising '[t]he liberty protected by the Constitution,' [citation omitted]? Surely not the encouragement of procreation, since the sterile and the elderly are allowed to marry.").

¹⁴ U.S. Supreme Court, *Loving v. Virginia*, 388 U.S. 1 (1967).