

Why People with Disabilities Should Support the Right of Gays and Lesbians to Marry

By Marc Dubin, Esq.¹

People with disabilities and their allies should unequivocally support the right of gays and lesbians to marry. Laws that prohibit these marriages are discriminatory, have unjust legal consequences, treat gays and lesbians as inferior to others, and deny gays and lesbians equal protection of the law. People with disabilities, and their allies, should speak out against discrimination against gays and lesbians, and should acknowledge that such discrimination is un-American, and needs to be challenged and changed.

The civil rights movement of people with disabilities has a long history, as does the civil rights movement of gays and lesbians, and people with disabilities should recognize many of the parallels to the effects of discrimination experienced by gays and lesbians as a result of laws prohibiting marriage:

Health Care:

- *Disability Discrimination:*

When an individual who is deaf or hard of hearing is in a hospital, or at a doctor's office, and the hospital or doctor fails to provide a qualified sign language interpreter, the individual is unable to effectively communicate about treatment options, unable to ask questions, and unable to make informed decisions about the course of treatment. This failure has consequences, both medical and legal. This is also a violation of the one's civil rights under the Americans with Disabilities Act (ADA).

- Although most adults with disabilities do have some form of insurance, more than two-thirds of those without health insurance report having no regular doctor (69%); going without needed equipment, such as wheelchairs and hearing aids (67%); postponing care due to cost (66%); and skipping doses, splitting pills, or not filling a prescription due to cost (60%).

- *Right to Marry Discrimination:*

Unlike spouses, unmarried partners are usually not considered next of kin for the purposes of hospital visitation and emergency medical decisions. In addition, they can't cover their families on their health plans without paying taxes on the coverage, nor are they eligible for Medicare and Medicaid coverage.²

The exclusion of the unmarried partner results in a failure to effectively communicate about essential medical concerns.

Housing:

- *Disability Discrimination:*

When a person with a disability cannot get into housing or is denied housing because they have a service animal, or applications for housing are not available in accessible formats to people with vision disabilities, this is a violation of their civil rights.

In fiscal year 2005, HUD reported an eight percent rise in the number of complaints alleging housing discrimination against persons with disabilities.³

- *Right to Marry Discrimination:*

Denied marriage, couples of lesser means are not recognized as a family and thus can be denied or disfavored in their applications for public housing.⁴

Employment:

- Disability Discrimination:

- People with disabilities are underemployed or are often denied employment. Only 35 percent of Americans with disabilities of working age are employed full or part time. That number is in contrast to 78% of Americans without disabilities.⁵
- More than 3 out of 10 employed people with disabilities (36%) say they have encountered some form of discrimination in the workplace. More than half (51%) say they have been refused a job due to their disabilities.⁶

- Right to Marry Discrimination:

Gays and lesbians are often denied employment on the basis of their sexual preference, and, in the absence of local ordinances prohibiting it, may be fired without recourse.

For more information, visit http://en.wikipedia.org/wiki/Evan_Wolfson,
<http://www.freedomtomarry.org/>
<http://www.aclu.org/lgbt/relationships/35349prs20080515.html>

¹ Director of Advocacy, Center for Independent Living of South Florida. Former Senior Trial Attorney, U.S. Department of Justice, Civil Rights Division, Disability Rights Section, Washington, D.C., 1992-2005. The author may be reached at mdubin@pobox.com or at 305 896 3000. This essay may be freely reproduced, with attribution.

² Evan Wolfson, *Why Marriage Matters - America, Equality, and Gay People's Right to Marry*, at page 195.

³ <http://www.hud.gov/news/release.cfm?content=pr06-035.cfm>

⁴ Wolfson, at 195. Other consequences of the denial of the right to marry include adverse legal effects:

- Denial of bereavement leave;
- Lack of responsibility for one another's debts;
- Lack of access to the courts, child support, alimony, and other benefits of marriage;

For a more complete list, and discussion, see Wolfson, at 195 and 196.

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<http://www.nod.org/index.cfm?fuseaction=page.viewPage&pageid=1430&nodeWOLFSON=1&Featureid=1649&redirected=1&CFid=13277142&CFTOKEN=68600205&noheader=1>

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<http://www.nod.org/index.cfm?fuseaction=page.viewPage&pageid=1430&nodeWOLFSON=1&Featureid=110&redirected=1&CFid=13277142&CFTOKEN=68600205>