



THE GAY AND NON-GAY PARTNERSHIP WORKING TO WIN MARRIAGE EQUALITY NATIONWIDE

Committee Secretary

Senate Legal and Constitutional Committee PO Box 6100 Parliament House Canberra ACT 2600 Australia

re: Inquiry into the Marriage Equality Amendment Bill 2009

In support of the marriage equality amendment bill now before the Australian Senate, Freedom to Marry, the gay and non-gay partnership working to win marriage equality in the United States, submits research that shows:

- 1) Ending exclusion from marriage has a positive impact on same-sex couples and their families, while positively or neutrally affecting society and marriage.
- 2) Civil union is no substitute for marriage.
- 3) Ending exclusion from marriage is not a fringe or minor concern, but runs to the heart of people's dignity as human beings, the importance of love and commitment, and the meaning of equality in a free society.

Ending exclusion from marriage has a positive impact on same-sex couples and their families, while positively or neutrally affecting society and marriage.

Since 2001, nine countries and six states in the United States ended the exclusion of gay couples from marriage. As gay couples get married, it is clear that the freedom to marry has a positive impact on these couples and their families. By marrying, these couples can now access the safety net of protections and responsibilities that countries and states offer married couples and their families. Couples and families are also experiencing the dignity and respect that come with the commitment of marriage.

While gay couples marry, the communities surrounding them show continual growing support for the freedom to marry and the institution of marriage is largely left unchanged.

Positive Impact on Same-Sex Couples and Their Families

Married Massachusetts Same-Sex Couples Say Marriage Has a Positive Impact on Themselves, Their Families, and Society. A survey conducted five years after gay couples could start applying for marriage licenses in Massachusetts shows marriage provides same-sex couples various short and long term benefits for themselves, their children, and society as a whole. The study found:

- As a result of marrying, individuals feel more committed to their partners and more accepted by their families and communities. Over 72% felt more committed to their partners and almost 70% felt more accepted by their communities.
- Nearly 9 out of 10 respondents (89%) reported that all or most family members supported their marriage.

- Respondents also reported legal and economic benefits. Nearly half (48%) report that being married means that they worry less about legal problems, and 30% report that one member of the couple receives health benefits from an employer as a result of being married.
- Of those with children, nearly all respondents (93%) agreed or somewhat agreed that their children are happier and better off as a result of their marriage.
- Very few respondents with children (5%) reported that their children were teased as a result of their marriages, while many reported that their children felt more secure and protected, gained a sense of stability, and saw their families validated by society as a result of marriage. [[“The Effects of Marriage Equality in Massachusetts: A survey of the experiences and impact of marriage on same-sex couples,”](#) The Williams Institute; May 2009]

International Evidence Shows Marriage Equality Improves Lives of LGB People. From the book *When Gay People Get Married: What Happens When Societies Legalize Same-Sex Marriage*, M.V. Lee Badgett writes, “The research on marriage and the experiences of married same-sex couples in the Netherlands and elsewhere all suggest that marriage will improve the lives of LGB people, whether that improvement comes from better health, a more solid financial picture, a sense of inclusion in larger society, or stronger relationships with partners.” [*When Gay People Get Married: What Happens When Societies Legalize Same-Sex Marriage*; 2009]

Positive and/or Neutral Impact on Marriage and Society

European Countries Who Let Gay Couples Marry or Register Their Partnership Show Mostly Majority Support for Marriage Equality. M.V. Lee Badgett writes, “In 2003, a Gallup Europe poll found that 80% of Dutch participants agreed that marriage should be possible for same-sex couples throughout Europe. The Dutch were second only to the Danes in their support for same-sex marriage. All of the other European countries that now let gay couples marry or register their partnerships also showed majority agreement with the idea on a European level, with the exception of the Czech Republic, which was evenly split at 50% agreement, and the United Kingdom at 47% agreement.” [*When Gay People Get Married: What Happens When Societies Legalize Same-Sex Marriage*; 2009]

A Majority of Massachusetts’s Voters Think Marriage Equality Has Been Good for the State. Five years after the first marriage licenses were issued to same-sex couples in Massachusetts, a large majority of the state’s voters believe that marriage equality has been good for the state. An April 2009 statewide poll of voters in Massachusetts found that support for marriage equality has increased 10 percentage points since 2005. The study also found:

- Nearly 70 percent of voters believe that marriage equality has contributed to the common good because it has encouraged more people to build families and raise children.
- Voters agree by a margin of 3-to-1 that the children of gay and lesbian couples are more secure, because they have the same legal protections as children in other families.
- By a margin of more than 2-to-1, voters agree that marriage equality has brought the state one step closer to fulfilling that promise of equality and fairness for everyone. [[“Marriage Equality Works for Massachusetts: 5th Anniversary Voter Survey,”](#) Lake Research Partners; April 2009]

Marriage Equality Does Not Affect the Institution of Marriage: Massachusetts Maintains the Lowest Divorce Rate in the United States. Of all 50 states, Massachusetts maintains the lowest divorce rate in the United States even after the state ended the exclusion of gay couples from marriage. [[Division of Vital Statistics](#), National Center for Health Statistics, CDC; 1990, 1995, 1999-2007]

Evidence From Five Countries Shows Marriage Equality Causes “No Adverse Changes.” From the book *When Gay People Get Married: What Happens When Societies Legalize Same-Sex Marriage*, M.V. Lee Badgett writes, “[N]o adverse changes have occurred since countries [Denmark, Norway, Sweden, Iceland, and the Netherlands] recognized rights for same-sex couples: marriage rates are up, divorce rates are down, and (mostly) nonmarital birth rates are not rising in comparison to rates for the years before gay couples could register.” [*When Gay People Get Married: What Happens When Societies Legalize Same-Sex Marriage*; 2009]

Civil union is no substitute for marriage.

Four states in the United States—Connecticut, Vermont, Maine and New Hampshire—have now moved past civil unions or other parallel forms of relationship recognition to marriage itself, recognizing that there is no substitute for the freedom to marry and equality for all. Various forms of evidence, including government reports, court decisions, and quotes from elected officials, now exist documenting exactly how civil union falls short of equality and continue to cause harm to gay couples and their families.

Evidence from Government Reports

New Jersey Government Report Finds Civil Unions are Unequal to Marriage. A New Jersey blue-ribbon state government commission unanimously issued its final report to Governor Corzine and the legislature, recommending they enact a marriage equality law because civil union creates further inequality for same-sex couples and fails to provide the same tangible protections. The Commission writes:

“[T]his Commission finds that the separate categorization established by the Civil Union Act invites and encourages unequal treatment of same-sex couples and their children. In a number of cases, the negative effect of the Civil Union Act on the physical and mental health of same-sex couples and their children is striking, largely because a number of employers and hospitals do not recognize the rights and benefits of marriage for civil union couples.” [[“The Legal, Medical, Economic & Social Consequences of New Jersey’s Civil Union Law,”](#) New Jersey Civil Union Review Commission; December 2008]

Vermont Commission Finds Civil Unions, Which Have Existed For 8 Years, Do Not Provide Fairness and Equality. A Vermont Commission report found civil union, which existed in Vermont since 2000, does not provide the fairness and equality they were intended to offer same-sex couples and their families. Vermonters with civil unions testified saying that there are “deficits in the civil union law, with clear and negative financial, economic, and social impacts on their lives and the lives of their children and families.” [[“Report of the Vermont Commission on Family Recognition and Protection,”](#) Office of Legislative Council; April 2008]

Evidence from Court Decisions

Connecticut Supreme Court Rules Civil Union is Not Equal to Marriage. In *Kerrigan & Mock v. Connecticut Dept. of Public Health*, the Connecticut Supreme Court ruled to uphold the freedom to marry for gay couples in Connecticut. The state had created civil unions four years prior, but realized, “Although marriage and civil unions do embody the same legal rights under our law, they are by no means equal. The former is an institution of transcendent historical, cultural and social significance, whereas the latter is not.” [[Connecticut Supreme Court](#); October 10, 2008]

California Supreme Court Finds Domestic Partnerships Create Second Class Citizenship. The California Supreme Court ruled in *In Re: Marriage Cases*:

“[R]etaining the designation of marriage exclusively for opposite-sex couples and providing only a separate and distinct designation for same-sex couples may well have the effect of perpetuating a more general premise -- now emphatically rejected by this state -- that gay individuals and same-sex couples are in some respects 'second-class citizens' who may, under the law, be treated differently from, and less favorably than, heterosexual individuals or opposite-sex couples. Under these circumstances, we cannot find that retention of the traditional definition of marriage constitutes a compelling state interest. Accordingly, we conclude that to the extent the current California statutory provisions limit marriage to opposite-sex couples, these statutes are unconstitutional.” [[California Supreme Court](#); May 15, 2008]

Unanimous Iowa Supreme Court Ruling States There Is No Justification for Creating a New Distinction in Place of Marriage. In *Varnum v. Brien*, the Iowa Supreme Court unanimously ruled to uphold the freedom to marry for gay couples and in doing so explained why a new distinction based on sexual orientation is not needed: “Iowa Code section 595.2 is unconstitutional because the County has been unable to identify a constitutionally adequate justification for excluding plaintiffs from the institution of civil marriage. A new distinction based on sexual orientation would be equally suspect and difficult to square with the fundamental principles of equal protection embodied in our constitution.” [[Iowa Supreme Court](#); April 3, 2009]

Quotes from Elected Officials

US Senator Chris Dodd of Connecticut in an Op-Ed: “While I’ve long been for extending every benefit of marriage to same-sex couples, I have in the past drawn a distinction between a marriage-like status (“civil unions”) and full marriage rights...The Connecticut Supreme Court, of course, has ruled that such a distinction holds no merit under the law. And the Court is right.” [[Meriden Record Journal](#); June 21, 2009]

Maine Governor John E. Baldacci Upon Signing a Bill Ending Gay Couples’ Exclusion from Marriage: “In the past, I opposed gay marriage while supporting the idea of civil unions,” Governor Baldacci said. “I have come to believe that this is a question of fairness and of equal protection under the law, and that a civil union is not equal to civil marriage.” [[Maine Governor’s Office](#); May 6, 2009]

New Hampshire Governor John Lynch’s Statement Concerning Marriage Equality Bill: “At its core, HB 436 simply changes the term ‘civil union’ to ‘civil marriage.’ Given the cultural, historical and religious significance of the word marriage, this is a meaningful change.” [[New Hampshire Governor’s Office](#); May 14, 2009]

US Senator Ted Kennedy of Massachusetts Following the California Supreme Court Ruling to Uphold the Freedom to Marry: “I congratulate the California Supreme Court on its recognition that true equality demands that all people have the right to marry and form families. Massachusetts has recognized the right of gay and lesbian couples to marry since 2004 and our experience has refuted the critics. We only strengthen our society when we allow all our citizens to enter into a solemn commitment to share in life’s joys and difficulties.” [[Senator Kennedy’s Office](#); May 15, 2008]

Ending exclusion from marriage is not a fringe or minor concern, but runs to the heart of people’s dignity as human beings, the importance of love and commitment, and the meaning of equality in a free society.

Ending the exclusion of gay couples from marriage isn’t just about providing the protections and responsibilities that come with legal marriage, it is also about the dignity and respect which the legal commitment of marriage brings to couples and families. When gay couples are not able to have their relationships legally recognized, they are not shown the same dignity and respect that married couples are, especially in the hardest of times.

Personal Stories Showing How Marriage Equality is about Human Dignity

Partner of 18 Years and Children Kept From Dying Woman’s Hospital Bedside Because Couple Was Not Able to Marry. The New York Times reports, “When a loved one is in the hospital, you naturally want to be at the bedside. But what if the staff won’t allow it? That’s what Janice Langbehn, a social worker in Lacey, Wash., says she experienced when her partner of 18 years, Lisa Pond, collapsed with an aneurysm during a Florida vacation and was taken to a Miami trauma center. She died there, at age 39, as Ms. Langbehn tried in vain to persuade hospital officials to let her visit, along with the couple’s adopted children...“I have this deep sense of failure for not being at Lisa’s bedside when she died,” Ms. Langbehn said. “How I get over that I don’t know, or if I ever do.”” [[New York Times](#); May 18, 2009]

Rhode Island Man Was Unable to Fulfill His Partner’s Last Wishes Because Of Marriage Discrimination. A Rhode Island newspaper shares the story of Mark S. Goldberg who experienced the impacts of marriage discrimination upon his partner’s death: “In a pained voice in a packed hearing room, he talked about his months-long battle last fall to convince state authorities to release to him the body of his partner of 17 years, Ron Hanby, so he could grant his wish for cremation -- only to have that request rejected too because “we were not legally married or blood relatives.”” [[The Providence Journal](#); February 27, 2009]

Iowa Senate Majority Leader Emphasizes the Freedom to Marry is About Human Dignity. Following the Iowa Supreme Court ruling to end the exclusion of gay couples from marriage, Iowa Senate Majority Leader Michael Gronstal, expresses his joy that loving gay couples can have the same state recognition he has with his wife: “Friday I hugged my wife. I felt like our love was just a little more meaningful last Friday night, because thousands of other Iowa citizens could hug each other and have the state recognize their love for each other.” [[The Iowa Independent](#); April 6, 2009]

Civil Rights Leaders Highlight that Marriage Equality is about Human Dignity

Evan Wolfson, Leading Marriage Equality Advocate, Explains the Respect and Dignity that Comes from Marriage. In an article published in the *Portland Mercury* newspaper, Evan Wolfson writes, “A word, a status, a system—marriage is all this and more. Marriage is a commitment, an aspiration, a highly significant personal lived experience, a bundle of personal, social, and spiritual meanings, and, at its best, a strengthener of couples, children, kin, communities, and country. It makes no sense to exclude loving couples already doing the work of marriage in their daily lives from the legal structure intended to reinforce that dedication, those meanings, and, at its heart, commitment and love.” [[Portland Mercury](#); June 14, 2007]

Coretta Scott King, Wife of Martin Luther King, Jr., Stressed the Need for Equal Rights for All Families. During a speech in New Jersey, Coretta Scott King said, “Gay and lesbian people have families, and their families should have legal protection... A constitutional amendment banning same-sex marriages is a form of gay bashing, and it would do nothing at all to protect traditional marriages.” [USA Today; March 24, 2004]

Mrs. Helen Chávez , Wife of Late Labor and Civil Rights Leader César Chávez, States the Need to Welcome Marriages of Gay Couples in Order to Achieve Equality in Society. In a public education campaign in California, Mrs. Helen Chavez said, “For 45 years, I stood with César for what is right. Today I celebrate his memory as I see so many newly married gay and lesbian couples celebrate their marriages. We must welcome them if we are all to have equality.” [[Let California Ring](#); September 2008]