

Same-sex Marriage: How To Be an Advocate

Talking Points

Gay and lesbian couples who want to marry are motivated by the same reasons that heterosexuals have for marrying: they have found someone they truly love, they want to make a legally recognized commitment to that person, they may have or plan to have children and want the added security for their children that living together in marriage can offer, and they want their fair share of the many privileges, protections, and benefits that accrue to married couples in our society.

By requesting the same rights, and not special rights, gay and lesbian couples are not seeking to diminish in any way anyone else's right to marry nor do they seek to force any church to change its religious doctrine on marriage, since they see marriage as a civil (i.e. secular) right, to be granted by the state.

Marriage is a cultural institution whose definition has changed over time and has been diversely defined depending on its cultural context. In India and many other places, marriage is more about securing a place for a daughter and combining families by arranging the marriage – romance often has nothing to do with the union. It's still customary in other cultures for men to have more than one wife. In still others, women become the property of their husbands. Many places prohibit individuals from different races, religions, ethnicities, economic strata, and other categories from marrying. There have even been times and places in recorded history where two men or two women could be joined in marriage.

Only in recent times have women been given total marital freedom in this country – the right to marry according to their own choice, to divorce their husbands, to obtain custody of their children, to own property, and to inherit. Even more recently, the U.S. Supreme Court voted to abolish miscegenation laws which prohibited individuals of different races from marrying, most specifically people of color from marrying Caucasians.

Clearly, there is no sacred, immutable, transcultural, consistent definition of marriage. In fact, if this were true, no laws would or could be passed to define it as it is currently being defined in legislatures around the country.

Years ago, the American Psychiatric Association and the American Psychological Association determined that homosexuality was not a pathology – that gays and lesbians are as mentally healthy as the rest of the population. Scientific studies have shown that homosexual behaviors appear in over 1500 species, including our own, which would argue against homosexuality as being “unnatural” or “against nature.” Most states have eliminated their laws against same-sex sexual behavior conducted in private, holding it to be no different from opposite sex sexual behavior. Homosexual men and women have served with distinction in our armed forces and government, and have contributed to the arts, sciences, and humanities. There are no rational, scientific, ethical, or moral reasons for denying marriage rights to same-sex couples.

***Now is the time, in recognition of human dignity and equal rights,
to make civil marriage available to two persons of the same sex.***

The U.S. government recognizes legal marriage as beneficial to both citizens and society. It sees it as so important that it accords, by most recent count, 1093 legal benefits to married couples. Marriage is the expected state of being for adults in our culture, and recent studies have shown that it can be emotionally and physically beneficial to those who live in a state of marriage. Same-sex couples seeking to unite in marriage deserve to have the same rights, benefits, protections, and privileges as heterosexual married couples. Here are a few of the rights denied to gay and lesbian partners that heterosexual married couples take for granted:

- Legal validation of their relationship and the right to live in neighborhoods deemed 'families only.'
- Joint parenting rights, such as access to their children's school records.
- Sick leave to care for a spouse or non-biological child.
- Access to adopting children and fostering children.
- Ability to file joint tax returns and receive tax breaks for married couples.
- Right to shared property, child support and alimony after divorce as well as custody of children.
- Receiving family rates for health, homeowners', auto, and other types of insurance.
- Ability to file joint bankruptcy.
- Right to automatic next of kin status for emergency medical decisions and visiting your spouse in a hospital intensive care unit or other restricted visitor access.
- Receiving Social Security, Medicare, and disability benefits for spouses.
- Receiving veteran's and military benefits for spouses, such as those for education, medical care, or special loans.
- Access to life insurance, health insurance in spouse's workplace and to survivor benefits in case of emergency.
- Ability to transfer property from one spouse to another without a transfer tax.
- Immigration and residency priority for spouses from other countries.
- Ability to invoke spousal privilege in a court of law.
- Ability to create life estate trusts now restricted to married couples.
- Inheritance of shared assets, exemption from estate and gift taxes on property gained after spouse's death.
- Assumption of spouse's pension and retirement savings after spouse's death.
- Access to social security, bereavement leave and burial determination after death of spouse.