

The Family Equality Council (formerly Family Pride) is the national advocacy organization committed to securing family equality for lesbian, gay, bisexual, transgender and queer parents, guardians and allies. Our work consists of strategically linked initiatives—broad in scope, but simple in vision—love, justice, family, equality.

Marriage Equality: A Definition

The Family Equality Council is committed to achieving family equality for all types of families. Though we recognize that it does not take a marriage to make a family, we understand that many individuals wish to be married and are not able to access that right.

It is important to note that this movement is not about “gay marriage,” which would imply that LGBTQ families want special rights. Though they are a legal step forward for our families, we are not settling for domestic partnerships or civil unions. We are demanding **marriage equality** and **equal access** to the same sets of rights and responsibilities under the law that are available to heterosexual couples and their families.

How Marriage Directly Impacts Our Families

Access to marriage is critical to the health and safety of our families. In terms of guaranteed protections, there is no other legal institution as powerful as marriage in this country.

Civil unions and other domestic partner recognition constructs provide only some of the benefits automatically afforded to heterosexual couples through civil marriage and they are provided under a **separate** institution.

Marriage affords approximately 1,138 federal rights to heterosexual married couples that are denied to unmarried same-sex couples and their families, such as:

- custody
- child support obligations
- visitation rights
- recognition as legal parents in schools
- medical decisions
- family medical leave
- Social Security survivor benefits
- passing on inheritance
- immigration status
- applying for passports

These crucial protections, plus over 1,000 more, are what is at stake for LGBTQ-headed families.

A Brief Political History

In response to possible progress toward marriage equality in Hawaii, Republican Representative Bob Barr of Georgia introduced the Defense of Marriage Act in 1996, an act aimed at excluding same-sex couples from the federal benefits otherwise afforded to married couples. **The Federal Defense of Marriage Act (DoMA)** was introduced and signed into law that year by Democratic President Bill Clinton and was discussed openly and positively in ads aired on Christian radio stations during his re-election campaign.

Used as a **political tool**, state Defense of Marriage Acts were introduced in several states to mobilize the conservative vote for both the 2000 and 2004 elections.

“**RIGHTS WITHOUT THE WORD MARRIAGE SMACK OF A CONCEPT LONG REJECTED BY THE COURTS: SEPARATE BUT EQUAL.**”

Gay & Lesbian Advocates and Defender

The State of Equal Marriage Today

Massachusetts Marriage Precedent, *Goodridge v. Department of Public Health*

On May 17, 2004 for the first time anywhere in the United States, same-sex couples in Massachusetts could file for marriage licenses. This was a huge step forward for state-level marriage equality. Presently however, due to the federal DoMA, even legally married couples in Massachusetts do not have access to the federal benefits afforded to heterosexual married couples or state-level recognition of their marriage in the majority of other states.

Since 1995, a large number of states have passed state-level DoMAs, but, more significantly, 27 states have amended their constitutions to define the institution of marriage as being only between a man and a woman. About 18 of these amendments also ban broader forms of relationship recognition, such as domestic partnerships and civil unions (as of 3/2008). These state constitutional amendments are a stronger force against marriage equality than DoMAs, their state law counterparts. Though it is very challenging, it is more likely for a DoMA to be overturned by the judiciary than for a state constitutional amendment to be repealed.

Across the country, most states face these roadblocks on their path to equality. Several states are in the process of redefining their legal status regarding marriage equality. Currently, a mere 14 states offer any type of legal protection to same-sex couples, with only Massachusetts offering full state-level marriage equality.

The State of Equal Marriage Today

The fight for marriage and family equality are one in the same; they are about access, protection and above all, equal treatment under the law.

Public Opinion

According to the Pew Research Center for the People and the Press, in 2004, 63% of Americans opposed same-sex marriage. By 2006, only 51% of Americans still opposed same-sex marriage, marking a sharp 12 point shift. Increasingly, the legal shortcomings of civil unions are becoming more apparent as more LGBTQ-families struggle with this separate system. As our families and their struggles with this discrimination become more visible, we are changing more hearts and minds and moving even closer to our vision of equality for all loving families.

Beyond Marriage

As mentioned earlier, we recognize that it does not take a marriage to make a family. Our families are families of choice, created through any array of biology, adoption and kinship, but all rooted in love and commitment. Regardless of whether you and your partner make the personal decision to get married, our families should have that option.

To Learn More :: www.familyequality.org

- > **Visit** www.pfaw.org to locate elected representatives and find where they stand
- > **Explore** the “take action” tab on our website
- > **Download** the U.S. relationship recognition issue map – available through the National Gay and Lesbian Task Force website’s “Reports & Research” tab at www.thetaskforce.org
- > **Research** your own state laws and amendments at www.lambdalegal.com

“WE’VE HAD TO PAY THOUSANDS OF DOLLARS OVER THE YEARS FOR WILLS, LIVING WILLS, DURABLE POWERS OF ATTORNEY AND EVEN FOR A ‘RELATIONSHIP CONTRACT’ - ALL THE LEGAL PROTECTIONS MONEY CAN BUY. BUT YOU CAN’T BUY EQUALITY.”

Beth Reis and Barbara Steele, together 28 years, have four children, 11 grandchildren and two great-grandsons. Their challenge to Washington State's denial of legal marriage to LGBTQ couples was heard but rejected.