

## The Marriage Resolution

Because marriage is a basic human right and an individual personal choice,

Resolved, the State should not interfere with same-gender couples who choose to marry and share fully and equally in the rights, responsibilities, and commitment of civil marriage.

Be it resolved that

(name)

Endorses the Marriage Resolution.

## Freedom to Marry

On May 5, 1993, the Hawaii Supreme Court took a giant step toward allowing lesbians and gay men to marry. In Baehr v. Lewin (now Baehr v. Miike), the Court held that the refusal to issue marriage licenses to same-sex couples is sex discrimination in violation of the state constitutional guarantee of equal protection. The court held that the "different-sex restriction" on marital choice constitutes unconstitutional sex discrimination much as the analogous "same-race restriction" prevalent just a generation ago constituted unconstitutional discrimination based on race (Loving v. Virginia, "same-race restriction" on choice of a marriage partner violates the U.S. Constitution- both as denial of equal protection and as intrusion on the fundamental right to marry).

In September 1996, a trial was held in Hawaii where the state presented its case. Hawaii argued that denying marriage to same-sex couples protected children because children are best raised by two biological parents. The lawyers for the same-sex couples challenged the state, arguing that children are raised in a myriad of families including single-parent families, adopted families, divorced families, and gay and lesbian families. The lawyers also argued that marriage is not restricted to couples with children, noting that infertile couples, elderly couples and couples who choose not to bear children are allowed to marry. The judge agreed, and on December 5, 1996 found that the state could not deny marriage to gay and lesbian couples. The case is currently being appealed to the Hawaiian Supreme Court, which is expected to rule this year.

In the nationwide battle for equal marriage rights, winning Baehr v. Miike may be the easiest part. Pennsylvania has already passed a law refusing to recognize same-sex marriages performed in other states -- a law that will be challenged when gays and lesbians are finally allowed to marry in Hawaii.

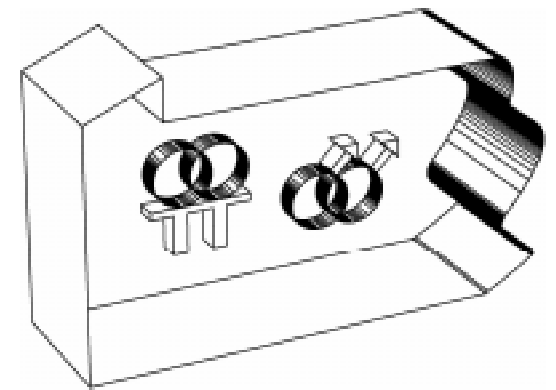
The Western Pennsylvania Freedom to Marry Coalition is actively recruiting organizations and individuals to join in this historic fight.

Western Pa Freedom to Marry Coalition  
PO Box 81253  
Pittsburgh, PA 15217-4253  
412-441-0356

# Freedom to Marry

## A Basic Human Right

**Join the Fight**



## Western Pennsylvania Freedom to Marry Coalition

## Questions and Answers

### Why do lesbian and gay couples need or want to get married?

Most same-gender couples already take on many of the same responsibilities as married couples, but have none of the legal protections or benefits that accompany civil marriage. In fact, despite taking responsibility for their partner's well-being, both economically and emotionally, same-gender couples are legally treated as nothing more than roommates! A Congressional study found that marital status affects 1049 separate federal laws. In Pennsylvania over 1300 state laws are affected by marriage. Because gay and lesbian citizens are denied the protection of these laws, they suffer discrimination in health coverage, taxation, business, and inheritance rights. For example, one partner is often denied visitation and involvement when the other is in the hospital. Gay and lesbian couples are also denied the social and emotional security marriage provides for so many people in our society.



### Isn't marriage about procreation?

No. Many people marry who cannot or choose not to have children. And many gay men and lesbians do have children, but are denied the right to raise those children within a marital relationship. Marriage is best understood as a relationship of emotional and financial interdependence between two people in love who make a legal and public commitment to each other.



### Isn't marriage traditionally defined as a union between a man and a woman?

Traditionally, yes. However, marriages has also been "traditionally" defined as a union between two people of the same religion or the same race, and one in which wives were the property of their husbands. Those "traditional" elements of marriage changed to reflect the equality of individuals. Today we recognize that the choice of a marriage partner belongs to each person, not to the state.



### Do all lesbians and gay men want to marry?

No. Lesbians and gay men are as diverse as non-gay people; some would choose not to marry even if they could. All couples, however, should have this choice. The government should not interfere in the decision of same-gender couples to exercise this basic human right, just like everyone else.



### Is the gay community using this issue to support a broader agenda?

The lesbian, gay, bisexual, and transgender communities have always been very open about our goal of ending discrimination and supporting equality for all. It is the Radical Right which is in fact using fear and misinformation regarding marriage to raise funds in support of its broader, extremist agenda, and to increase its influence on the government.



### What about domestic partnership?

In certain companies and some cities, there is limited recognition of relationships between unmarried same-sex couples. The best of these plans may provide health insurance or time off to care for a sick partner. No domestic partnership plan, however, provides the same responsibilities, benefits, and protections that marriage does. Domestic partnership is no substitute for marriage.



### Is this the right time to fight for same gender marriage?

Yes. In fact, there has never been a better time. The Hawaii Supreme Court will soon rule on this issue, and legal experts agree that Hawaii will most likely be the first state to recognize civil marriage for same-gender couples, affecting lesbian and gay couples all across the country.



### How does this affect couples outside Hawaii?

Same-gender couples who travel to Hawaii to get married and return to their home states will expect to have their marriages recognized at home, just as others do. There are powerful legal and practical reasons why a lawful marriage in one state must be recognized by all others (this is, after all, one country, and if you're married, you're married).

In 1996, Congress passed the Defense of Marriage Act. This law creates a caste-system of marriage rights where any legal marriage between adults of the same-sex is given second-class status. States, like Pennsylvania, will use the Defense of Marriage Act to justify their discrimination against same-sex marriages performed in other states. These laws guarantee that the fight for equal marriage rights will not end after Hawaii, or any other state, legalizes marriage for same-sex couples.

## How You Can Get Involved

The first thing you can do is encourage all organizations you are a member of to sign on to the Marriage Resolution. The list of endorsements is important to the battle in Hawaii and nationally, providing essential evidence of our growing coalition as we bring on more allies and continue this fight. And, asking for support is a critical step toward promoting discussion and education about our families and freedom to marry.

The second step is to become a member of the Western Pennsylvania Freedom to Marry Coalition and join our fight for justice. As a member, you will support more than the Marriage Project, you will assist us as we provide leadership and vision in our efforts to combat discrimination. WPFTM is a part of the Freedom to Marry Coalition spearheaded by the Lambda Legal Defense and Education Fund.

Donations to the Western Pennsylvania Freedom to Marry Coalition are appreciated:

Western Pennsylvania Freedom to Marry Coalition  
PO Box 81253  
Pittsburgh, PA 15217-4253

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

e-mail: \_\_\_\_\_