

At Issue: Marriage

**Exploring the Debate Over Marriage
Rights for Same-Sex Couples**



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At Issue: Marriage

Exploring the Debate Over Marriage Rights for Same-Sex Couples

Introduction

2003 marks ten years of controversy over the issue of marriage of same-sex couples in the U.S. The debate was first thrust into the national spotlight in 1993 when three same-sex couples sued the state of Hawaii for the right to marry. That battle lasted six long years until the Hawaii Supreme Court declared the case moot in 1999 after a state constitutional amendment reserving marriage for different-sex couples only.

In the interim, the U.S. Congress passed the "Defense of Marriage Act" (DOMA) in 1996, which gives states the right to refuse recognition of same sex marriages performed in other states. DOMA also creates a federal definition of marriage ("a legal union between one man and one woman as husband and wife") and spouse ("a person of the opposite sex who is a husband or a wife") for the first time in our country's history. Unions that do not fit this description are not eligible for any of the 1,049 benefits of marriage offered by the federal government. Since 1996, 36 states have passed local anti-same-sex marriage laws, further reducing access to the social, legal and economic benefits of marriage.

In 1999, after a two-year battle, Reverend Jimmy Creech of the United Methodist Church was stripped of his credentials after performing two same-gender covenant ceremonies in defiance of Church doctrine and his local Bishop. In that same year, Vermont became the first U.S. state to rule that the benefits and protections of marriage be conferred on same-sex couples. The Vermont legislature decided to grant those rights not through full civil marriage, but rather by means of a "separate but equal" system of civil union.

Marriage of same-sex couples is in the news again in 2003 as the Massachusetts Supreme Court deliberates the case of *Goodridge et al. v. Department of Public Health*, in which seven same-sex couples have sued for the right to civil marriage under the state constitution. Since arguments were heard on March 4th, the U.S. Supreme Court—in the most significant ruling ever for lesbian and gay Americans' civil rights—struck down Texas's "Homosexual Conduct" law, thereby nullifying all existing laws that criminalize sex by consenting gay couples.

These events—and the passage of same-sex marriage laws in the Netherlands, Belgium and Canada—have propelled the issue of marriage into the national limelight once again. In July, President Bush proclaimed, "I believe marriage is between a man and a woman, and I think we ought to codify that one way or another," providing tacit support for the movement for a constitutional amendment to block gay marriages supported by Senate Majority Leader Bill Frist. The day after Bush's comments, the Vatican launched a global campaign against gay marriage in an attempt to reverse the spread of legislation in Europe and the Americas that permits it. In a strongly worded 12-page document signed by the Pope's chief theological adviser, Cardinal Joseph Ratzinger, the Church brands homosexual unions as immoral, unnatural and harmful.

A recent CNN/USA Today/Gallup poll suggests that recent events have prompted a backlash. The number of people who have endorsed the idea that homosexual relations should be legal has dropped from 60 percent to 48 percent since June, and only 40 percent of Americans say they now would support civil unions for homosexuals.

As the nation awaits the decision of the Massachusetts Supreme Court on the right of same-sex couples to civil marriage, educators are presented with an opportunity to teach students about one of the most significant civil and human rights issues of our time. Marriage is a critical issue because it touches all at once on questions of love and sex, religion and politics, access to legal and economic benefits, and the role of government in our personal lives. Along with parents and care takers, schools must take a leading role in providing accurate information about same-sex relationships and creating safe spaces in which students can make sense of the various points of view they hear from family, peers, community leaders, and mass media.

Toward this end, *At Issue: Marriage, Exploring the Debate Over Marriage Rights for Same-Sex Couples* offers educators six lesson plans for high school aged students that challenges them to explore the range of complex issues reflected in the marriage debate, such as:

- The meaning and purpose of marriage
- The rights of civil marriage
- Historical context and parallels
- Spiritual unions
- Influences on youth
- The Vermont and Massachusetts cases

By providing students with an in-depth and multifaceted investigation of marriage, GLSEN hopes to unite with educators in cultivating an informed citizenry and future generation of children who respect and accept all people, regardless of sexual orientation or gender identity/expression. By supporting educators in their efforts to build schools in which information and expression flow freely, GLSEN hopes to advance the spirit of democracy in classrooms across the nation.

Discussing Marriage of Same-Sex Couples With Students

As the issue of marriage of same-sex couples makes its way into the national spotlight, students will surely bring their feelings and questions about this subject into the classroom, presenting educators with an opportunity to deepen students' thinking about matters that are of great legal, economic, social and moral importance. Students will benefit from an accurate presentation of the facts and the opportunity to discuss important issues in a safe space.

Since students are routinely bombarded with all sorts of information from television, the Internet, peers, and community leaders, it is an outdated and false notion that keeping controversial issues out of the classroom will somehow protect and preserve students' "innocence." On the contrary, students are harmed more when they have no place in which to make sense of complex issues, work past stereotypes and misconceptions, and to develop a strong sense of personal ethics and morals.

It is therefore both appropriate and important that issues such as marriage of same-sex couples be discussed and debated in class. As you discuss the issues with your students, bear in mind the following ideas:

Many students have had experiences with same-sex couples: Don't assume that your students have no experience or knowledge about same-sex relationships. Growing numbers of children today are being raised in same-sex headed families. Many others have friends, neighbors, and relatives that are in committed, same-sex relationships. Draw upon your students' experiences to enrich the conversation and try to acknowledge the many different family constellations from which they likely come. Discussions based on personal understandings will have more meaning for students than those that are abstract or removed from the real lives of community members.

Same-sex families already exist: Unions of same-sex couples have existed around the world for thousands of years. Despite social and legal obstacles, same-sex partners have always found ways to demonstrate their love and commitment for one another, and to create a sense of family for themselves. It is important for students to understand that—legally sanctioned or not—marriages of same-sex couples already exist. Legislation preventing or blocking recognition of these marriages would not change this fact, but would deprive millions of existent families of the legal and economic benefits that many of their heterosexual counterparts enjoy.

There is no evidence to support the notion that marriage of same-sex couples would pose a threat to the institution of marriage or to the fabric of society in general: Some opponents of marriage that is inclusive of same-sex couples feel that legally permitting such unions will somehow diminish the institution of marriage and contribute to a moral decay within society. There is little objective evidence to support these claims, however. Studies of same-sex partnerships indicate that these relationships function similarly to those of opposite-sex couples in terms of commitment, endurance, and mutual care and support. Findings also support the conclusion that the great majority of same-sex

couples share the kind of intimacy and economic sharing that marriage laws seek to encourage. Concerns about the integrity of the institution of marriage and societal decay are therefore unfounded. Such fears have been historically expressed when changes to the rules of marriage have been considered. When interracial marriage bans were lifted, many asserted that this would lead to polygamous coupling and incestuous relations. When England was considering allowing wives to own property, the London Times declared that doing so would “abolish families in the old sense” and “break up society into men and women” creating “discomfort, ill-feeling and distrust where hitherto harmony and concord prevailed.” These foretellings of societal disaster proved foolish. Indeed, if one looks to the many countries that have given formal status to unions of same-sex couples today, there is no evidence of negative societal consequences.

The emotional health of children reared in same-sex headed families does not differ from that of other children:

Though many married couples cannot or choose not to have children, for young students, notions of marriage and parenting are inseparably intertwined. Students may therefore question the ability of same-sex partners to be good parents. It is important to stress that the best parents are those who provide love, support, and a caring home for their children. Sexual orientation and gender identity should be de-emphasized as criteria for evaluating child-rearing ability in favor of these more enduring characteristics of good parenting. There is no existing research to support the claim that same-sex parents rear children with greater emotional or identity conflicts than heterosexual parents. The American Psychological Association concluded, in fact, that “not a single study has found children of gay and lesbian parents to be disadvantaged in any significant respect relative to the children of heterosexual parents. Indeed the evidence suggests that home environments provided by gay and lesbian parents are as likely as those provided by heterosexual parents to support and enable children’s psychological growth.” This is not to say that being raised by same-sex parents comes without difficulties; children will inevitably have to cope with teasing, feelings of embarrassment, and other realities as a result of the negative social stigma attached to homosexuality. Studies show, however, that despite these special problems, the mental health of children reared in same-sex headed families does not differ from that of other children. These children learn to deal with community stigma based on their families’ difference just as children living in other minority families. Relying on community stigma as a basis for regulating marriage is problematic, and such arguments have been rejected by the courts in cases claiming that social stigma resulting from interracial marriages would be detrimental to children.

Marriage is a basic human right: When discussing this issue, help students to move past preoccupations with the “rightness” or “wrongness” of same-sex coupling or homosexuality in general. Place the debate over marriage within the context of human rights, thereby expanding the dialogue beyond the realm of morality. The core concern of students—and all citizens—should transcend their moral stance and be an objective consideration of the justness of a government that denies social, legal and economic benefits and protections to one segment of the population while affording them to all others. Marriage should be understood as a basic human right and an individual personal choice. The Universal Declaration of Human Rights, ratified by the United Nations in

1948 and considered the standard for human rights practices internationally, declares marriage and family a fundamental human right, stating that “the family is the natural and fundamental group unit of society and is entitled to protection by society and the state.”

This is not just a “gay” issue: Marriage of same-sex couples is an issue about which many citizens—both gay and straight—are concerned. Non-gay people are affected, among other ways, by attempts to use anti-marriage laws to strip away domestic partnership laws and protections. Laws that are discriminatory and unjust pave the way for future limits to our freedom, and this affects us all. Students should be encouraged to take an interest in matters that may not affect them directly, but threaten the integrity of other individuals and our society in general. It may interest them to know that Coretta Scott King and many other community leaders have expressed their support for the right of same-sex couples to marry.

Students may be directly impacted: Marriage legislation affects not only the couples, but the families that they support as well. By denying same-sex couples the right to marry, the government may also be denying students eligibility for financial aid and scholarships, which is often affected by marital status. Committed, same-sex couples still in school may also be denied student housing and the ability to move easily from state to state for study and work.

This is not the first instance of government interference with people’s freedom to marry: Less than 30 years ago, interracial couples were prohibited from legally marrying. Today, very similar discriminatory arguments are being used to prohibit same-sex couples from marrying. A Virginia judge ruled in 1958 that “Almighty God created the races...and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for [interracial] marriages. The fact that he separated the races shows that he did not intend for the races to mix.” Americans today recognize the inherent prejudice in this statement, and the right of each individual to marry the person she or he loves, regardless of race, class, religion and the like. Examined against the backdrop of interracial marriage bans, it becomes difficult to make a rational case for marriage prohibitions against same-sex couples. Students should understand both the historical parallels to marriage prohibitions against same-sex couples as well as the similarities among racism, homophobia, and all other oppressions.

Lesson Plans

Lesson 1: What is Marriage For?

OVERVIEW: In her book *What is Marriage For?* E.J. Graff describes marriage as “a kind of Jerusalem, an archaeological site on which the present is constantly building over the past, letting history’s many layers twist and tilt into today’s walls and floors.” Indeed the institution of marriage has changed dramatically over the centuries to reflect evolving understandings of family, money, sex, love, and power. In this lesson, students are challenged to discern some of those understandings from specific laws and customs of different eras. Students are then asked to examine current practices and to determine the extent to which they reflect modern understandings of marriage.

OBJECTIVES:

- To investigate historical beliefs and practices with regard to marriage
- To explore modern marriage customs and laws, and the belief system inherent in them
- To examine attitudes toward marriage of same-sex couples against current beliefs about the purpose of marriage
- To develop a personal definition of marriage (both what it is and why we do it)

AGE LEVEL: High School

TIME: 75-90 Minutes (If only one period is available, leave out Parts 1 and 4)

MATERIALS: Handouts #1 and #2: *Evolving Understandings of Marriage*; chart paper and markers

SUBJECT AREAS: Social Studies (History, Law)

PROCEDURE:

Part 1—Defining Marriage and its Purpose (20-30 Minutes)

In advance of the lesson, give students the following homework: Ask each student to poll at least 3 people, and to write down their responses to these questions:

- What is marriage?
- Why do people marry?

In class, divide students into groups of 3 or 4 to share the ideas they gathered. Though the questions may initially seem simple and straightforward, they are deceptively complex and will likely elicit a broad range of responses. After about 10 minutes of discussion, ask each group to write a definition of marriage that reflects their beliefs about the purposes and meanings of the institution. As each group finishes, ask them to post their definition on the wall. Invite all students to take a “gallery walk” to survey the

statements with which each group came up. If time permits, allow students to respond to one another's definitions, and to further explore the meaning of marriage.

Part 2—Evolving Understandings of Marriage (20 Minutes)

For the moment, set aside the student definitions of marriage. Explain that thoughts about marriage have changed dramatically over the centuries as people's ideas about love and sex, money and power have developed. Examining past marriage practices and laws can provide us with some interesting insights into evolving understandings of the purposes of marriage. Divide the class into groups of 4 or 5. Give each group a copy of Handout #1: *Evolving Understandings of Marriage* and the accompanying chart. Assign each group 1 or 2 of the items on the sheet. (Alternatively, cut the sheet into strips and hand 1 or 2 strips out to each group). Inform the students that the sheet (or strips) describes marriage laws or customs from a variety of cultures and eras. Inherent in each law or custom is a set of attitudes or beliefs about the purpose of marriage in that time and place. Challenge students to list as many attitudes as they can discern from the stated law/custom. For example, dowry requirements presume an understanding of marriage as an economic venture. Prohibitions of contraception and abortion point to understandings of marriage primarily as a vehicle for procreation. And interracial marriage bans support the idea that marriage is a way to increase one's race and keep it pure. When students have finished, allow time for them to display and share their ideas with the class.

Part 3—Modern Understandings of Marriage (20 Minutes)

Ask students to point out some of the ways in which modern understandings of marriage differ from those listed on the sheet/strips. Elicit laws or customs that students feel are reflective of current marriage practice and, as above, the underlying attitudes/beliefs. List each on the board. For example, they may point out that many couples choose to live together prior to getting married, that married couples file tax returns jointly, or that some couples choose not to have children. These practices reflect the ideas that marriage requires compatibility, economic interdependence, and that marriage is first and foremost about love—not procreation. If no student brings it up, list the fact that marriage is legally defined as the union between a man and a woman, that marriage of same-sex couples is not legally recognized in any of the 50 states. Ask students to consider whether this law is consistent with the attitudes/beliefs about marriage that they have listed. If marriage is primarily a reflection of love, spiritual devotion, economic commitment, etc., is it justifiable to exclude individuals from the institution based upon sex/sexual orientation? Just as we have changed marriage law to incorporate modern ideas about birth control, gender equality, and divorce, is it time again to amend the institution to protect the rights of sexual/gender minorities?

Part 4—Revisiting Our Definitions (15-20 Minutes)

After students have had ample time for discussion, ask them to revisit the definitions of marriage that they wrote in Part 1. In their original small groups, ask them to consider whether or not their ideas about the meaning and purposes of marriage have shifted as a

result of the class discussion. Give each group the option of revising their original definitions to incorporate new understandings. Re-post and share these statements before concluding the lesson.

Evolving Understandings of Marriage

Handout #1

1. In many societies, members were forbidden to marry outside the tribe, clan, culture, or religion while marriage within the family was considered acceptable. The ancient Hebrews, for example, enforced strict rules against marrying foreigners, but had only the barest of rules against marrying within the family. The Romans allowed first cousins to marry, and early Germanic clans gave the nod to uncle/niece marriages.
2. For centuries, and in many different parts of the world, marriage could not take place without a *dowry*—the money, goods, or estate that a woman brought to her husband in marriage, or a gift of money or property by a man to or for his bride. In 1425, the city of Florence, Italy even launched a savings-bond institution in which a family could invest for a daughter’s future dowry with returns of up to 15.5% compounded annually, with both capital and interest paid to the husband after consummation.
3. For centuries, the most enduring slave systems—including the Greeks, Romans, Hebrews, medieval Germans, and Americans— denied legal recognition to slave marriages.
4. In many cultures, *polygamy* (marriage in which a spouse of either sex may have more than one mate at the same time) has been commonly practiced for centuries. At one time, Jewish law required a man whose first wife did not bear a child within ten years to marry another—with or without divorcing the first. In many African and Middle Eastern cultures, polygamy is still practiced today.
5. In the 1700s and 1800s, many laws extended the biblical idea that a husband and wife become “one flesh.” In British law, a 1765 statement by Lord Blackstone read, “In law husband and wife are one person, and the husband is that person.” This meant that a wife could own no personal property, make no personal contracts, and bring no lawsuits. The husband took over her legal identity—a concept called “coverture,” because his identity “covered” hers.
6. Before the 20th century, *contraception* (deliberate prevention of conception or impregnation) was widely viewed as immoral within the institution of marriage (especially in the West and among Christians). The 1876 book *Conjugal Sins* insisted that contraceptive attempts “degrades to bestiality the true feelings of manhood and the holy state of matrimony.” During a period of escalated anti-contraception feelings and backlash laws in the 19th century, more than half of the states in the U.S. enacted laws that criminalized and prevented any sex acts that “made love without making babies.”
7. In 1850, Indiana’s State Legislature passed the most open divorce law the United States had ever known. It stated that judges could grant divorce for any reason at all—not just under conditions of adultery, attempted murder, or other extreme circumstances. Though scandalous at the time, divorce has become a common and acceptable practice within mainstream American society.
8. In 1948, the California Supreme Court led the way in challenging racial discrimination in marriage and became the first state high court to declare unconstitutional an anti-*miscegenation* law (miscegenation means a mixture of races, especially marriage or cohabitation between a white person and a member of another race). In 1967, the United States Supreme Court struck down the remaining interracial marriage laws across the country, and declared that the “freedom to marry” belongs to all Americans.
9. In 1976, the West German Civil Code was revised to eliminate traditional matrimonial phrases requiring “husbands to support wives” and “wives to obey husbands.” It now reads “The spouses are mutually obliged to adequately maintain the family by their work and property...”
10. In 1987 the U.S. Supreme Court struck down a Missouri prison’s refusal to allow its inmates—convicted felons, people who couldn’t vote much less support their wives or future children—to marry, since “inmate marriages, like others, are expressions of emotional support and public commitment...having spiritual significance.”

Excerpted in part from *What Is Marriage For? The Strange Social History of Our Most Intimate Institution* (Beacon Press) ©E.J. Graff 1999

Evolving Understandings of Marriage

Handout #2

Handout #1 describes marriage laws and customs from a variety of cultures and eras. Inherent in each law or custom is a set of attitudes or beliefs about the purposes of marriage in that time and place. For each law/custom, list as many underlying beliefs as you can identify.

Example:

Law/Custom: The German guilds didn't allow a man to become a master and run his own business unless he had a wife.

**Underlying Attitudes/
Beliefs:** Marriage was a way to acquire a business partner
Marriage was a complete plan of labor.
All men were expected to marry.

Law/Custom # _____

Underlying Attitudes/Beliefs:

Law/Custom # _____

Underlying Attitudes/Beliefs:

Lesson 2: The Rights of Civil Marriage

OVERVIEW: There are literally hundreds of rights, benefits, and protections that accompany civil marriage in the United States. Because they are so automatic, many people take these rights for granted. For same-sex couples, however—who are prohibited from civil marriage—the absence of these rights often creates devastating problems. In this lesson students will explore some of the rights associated with civil marriage, as well as some situations in which same-sex couples find themselves when denied these rights.

OBJECTIVES:

- To differentiate personal from legal definitions of marriage
- To identify some of the rights which accompany civil marriage
- To explore some of the problems faced by same-sex couples that are denied the rights of civil marriage

AGE LEVEL: High School

TIME: 40-60 Minutes

MATERIALS: Lambda Legal video about September 11 and its impact on same-sex couples (<http://www.lambdalegal.org/cgi-bin/iowa/documents/record?record=1273>); Handout #3: *Civil Marriage Rights*; Handout #4: *Legal/Economic Protections*; Handout #5: *Civil Marriage Rights: Scenarios*; chart paper and markers

SUBJECT AREA: Social Studies (Politics/Government, Law)

PROCEDURE:

Introduction- September 11 and the Issue of Civil Marriage for All

Show students the video produced by Lambda Legal (<http://www.lambdalegal.org/cgi-bin/iowa/documents/record?record=1273>). The video chronicles the loss of musician Bill Randolph's partner on September 11. Bill's partner, Wesley Mercer, was a vice president for Morgan Stanley and lost his life after successfully helping others out of the World Trade Center. Bill had been with Wesley for 26 years and considered him his spouse even though they were barred from legally being married. After the students watch the video use the following questions as a guide for discussion.

- How did Bill describe his relationship with Wesley? Compare the relationship they had with each other to married couples you know.
- On the surface, what are the differences between Wesley and Bill's relationship and those you know?
- Why do you think it was important for Bill to receive government assistance after September 11?

- What was Bill’s final request at the end of the video? Discuss Bill’s reference to the American Dream in regards to his request.

Part 1—Identifying the Rights of Civil Marriage (20-30 Minutes)

If students have completed Lesson 1, ask them to briefly reiterate some of the definitions of marriage at which they arrived. If not, ask students what they think marriage is. List some of their definitions on the board. Point out that while we may all have our own personal understandings of marriage, there are legal definitions as well which may or may not intersect with closely held meanings. Define *civil marriage* as a state recognized contract between one man and one woman that reflects very specific rights, benefits, and protections. Inform students that 1,049 federal laws have been identified in which benefits, rights, and privileges are contingent upon marital status. These rights are so automatic in our society that they are often taken for granted. Divide students into groups of 4 and distribute Handout #3: *Civil Marriage Rights*. Challenge each group to brainstorm as many rights as they can. Post and share each list. Ask students whether or not they feel that those couples that choose not to marry or are not legally entitled to marry are at a disadvantage. Ask them whether or not they think couples who cannot marry are victims of discrimination. Distribute Handout #4: *Legal/Economic Protections* so that students may review a partial list of the rights afforded to married couples, but unavailable to those who are barred from legal marriage.

Part 2—Same-Sex Couples: Scenarios (20-30 Minutes)

Inform the students that only three countries allow same-sex couples the freedom to marry, and provide gay and lesbian people the full range of protections, responsibilities, and benefits that come with civil marriage. (Some other countries have set up partnership registries that offer partial benefits and, in the U.S., the state of Vermont offers “civil unions”). The lack of access to marriage rights is problematic for many same-sex couples, who are often faced with insurmountable problems in remaining together and caring for one another. Divide the students into groups of 3-5 and distribute Handout #5: *Civil Marriage Rights: Scenarios*. Explain that these scenarios are fictionalized accounts of real situations with which many same-sex couples are faced. Assign a scenario to each group and ask them to assume the role of a judge or other decision-making authority. As they read and discuss the scenarios, ask groups to determine what rights should/should not be afforded to same-sex couples and why. Ask them to consider whether or not they feel that current prohibitions of marriage of same-sex couples are discriminatory, and what, if anything, government should do in response. If time remains, have each group share its thoughts.

Civil Marriage Rights

Handout #3

Civil marriage is a state sanctioned contract between one man and one woman that reflects very specific rights, benefits, and protections. 1,049 federal laws have been identified in which benefits, rights, and privileges are contingent on marital status. These rights are so automatic in our society that many people take them for granted. Below list as many of the rights as you can brainstorm that accompany civil marriage.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____

Although many same-sex couples are in long-term relationships, and undertake responsibilities toward one another just as married couples do, they are denied the vast array of legal, economic, and practical protections that married couples enjoy. Among these are the rights to:

Government Benefits

- share such government benefits as **Social Security** and **Medicare**;
- file **joint tax returns** and get special marriage or family rates or exemptions;
- obtain **veterans' discounts** on medical care, education, and housing loans;
- apply for **immigration** and **residency** for partners from other countries;

Family Recognition

- have joint **parenting, adoption, foster care, custody, and visitation**;
- enter jointly into **rental leases** with automatic renewal rights;
- obtain **domestic violence** protection orders;
- secure equitable division of property and determine child custody and support **in case of divorce**;

Health Care

- take **bereavement** or **sick leave** to care for partner or child;
- **visit** a partner or child in the **hospital**, and other public institutions;
- obtain joint **insurance** policies for **home** and **auto**, as well as **family health** coverage;
- make **medical decisions** on a partner's behalf in the event of illness;

Life Planning

- **inherit automatically** in the absence of a will;
- choose a **final resting place** for a deceased partner;
- receive spousal exemptions to **property tax** increases upon the death of a partner;
- obtain **wrongful death benefits** for a surviving partner and children;

In total, there are *hundreds* of legal rights and responsibilities that come with civil marriage. Most of these protections cannot be privately arranged or contracted through other means, even for those who can afford a lawyer. Furthermore, private employers, banks, and other businesses often extend important benefits and privileges—such as special rates or memberships—to married couples only.

Gay people are moved by the same mix of personal, economic, and practical reasons as non-gay people, who take for granted the right to choose whether and whom to marry. Denying equal marriage rights not only deprives same-sex couples of the social and emotional significance that marriage holds for many, it also deprives them of essential legal and economic protections.

Civil Marriage Rights: Scenarios

Handout #5

The scenarios below are fictionalized accounts of real situations in which same-sex couples have been denied spousal rights because their relationships are not recognized as legal marriages by the state. For each scenario, imagine that you are the judge or other authority hearing the case. What would your decision be? In what cases do you feel same-sex couples deserve equal marriage rights? Are there situations in which they do not?

1. Michael and Rolando have been sharing a home and a life together for the past three years. They first met in graduate school after Rolando left his native Peru to study economics in Boston. It wasn't long before they fell in love and moved in together. Upon graduating school, Rolando's student visa expired and he was notified that he must return to Peru. Michael attempted to sponsor his partner, but was denied because the two are not legally married. Rolando has tried to extend his visa, but has been repeatedly rejected. The couple has considered applying for residency in Canada in order to stay together, but is distraught about leaving their friends and family in Boston. Unless immigration authorities hear their appeal, deportation is imminent for Rolando.

Imagine you are an immigration official. Though current law would constrain your decision, what factors would you consider in deciding the fate of this couple?

2. Asha and Tracy lived together for over 15 years, sharing the responsibilities of maintaining their home and raising their son, Tim—now 10. Asha became pregnant with Tim after the couple agreed that they wanted to start a family. Since Tracy and Asha are both working moms, the two have shared child-rearing responsibilities equally, and both feel strong maternal bonds to their son. During the last few years of their relationship, Tracy and Asha grew apart and began fighting frequently. After several rounds of couple counseling and many attempts to stay together for Tim's sake, Asha and Tracy decided it would be best for everyone if they separated. Since they could not agree on a custody arrangement, a court battle ensued. Because Asha is the biological parent, the judge ruled that she would receive full custody of Tim. The court granted no visitation rights to Tracy, despite the fact that she co-raised Tim from birth and Tim's testimony that he loves both of his moms the same. Tracy was devastated by the court's decision and her lawyers are preparing an appeal.

Imagine you are the judge hearing the appeal. What is your decision? _____

- Sean moved from the small town in which he grew up to New York City so that he could live more openly as a gay man. Since his family was not accepting of his sexual orientation, Sean arrived in New York with no family ties or support network. He eventually met and fell in love with Marc, whose family and friends embraced the couple. After many years together, Sean found out that he had a form of non-operable cancer. As Sean’s health deteriorated, Marc assumed full responsibility for his care, and even took a leave from his job so that he could attend to Sean’s needs around the clock. When Sean died a year later, his estranged family arranged for the funeral to take place in their hometown, and told Marc that he was not welcome to attend. Because Sean and Marc did not have status as a married couple, Marc had no legal right to make burial decisions or to inherit any of Sean’s property. To make matters worse, Marc was evicted from his apartment. Since the lease had been in Sean’s name and there was no legal marriage, Marc had no rights to the apartment. Marc is currently exploring legal avenues in order to both keep his home and honor the burial wishes of Sean.

Imagine you are the trial judge. What is your decision? _____

- Marta had been living with Sue—whom she considers her wife—for two years when she decided it was time to be honest with her family. When Marta told her parents that she is a lesbian, they told her that they would never understand or accept her “lifestyle.” Marta quickly became estranged from her parents and the rest of her immediate family. Several years later, Marta suffered debilitating injuries and was left in a coma when her car was struck by another on her way to work. The hospital contacted Marta’s parents—her *legal* next of kin—who made the decision to put Marta in a hospital close to their home. Sue protested, but was told that since she was not a legal spouse, she had no decision making power. When Marta’s parents prevented Sue from even visiting Marta, Sue was again told that nothing could be done. Marta is currently seeking legal advice so that she can have some say in Marta’s medical treatment.

Imagine you are the trial judge. What is your decision? _____

Lesson 3: Winning the Right to Marry Historical Parallels

OVERVIEW: As Americans, we have seen significant changes within the institution of marriage—many within our own lifetimes. The status of women, ability to divorce, and freedom to marry across race are examples of issues that have changed the face of marriage as we once knew it. In this lesson, students explore marriage bans for same-sex couples within the context of earlier prohibitions, and use these historical parallels to determine the fairness of current restrictions. Students are also encouraged to create a set of criteria for exploring marriage eligibility, and to use these criteria to objectively evaluate the current marriage debate.

OBJECTIVES:

- To understand past injustices within the institution of marriage
- To generate a list of marriage attributes that can be used in considering past and present challenges to marriage law
- To consider the fairness or unfairness of anti-gay marriage laws; to begin to develop a personal stance on the issue

AGE LEVEL: High School

TIME: 70-80 Minutes

MATERIALS: *Marriage Map* (<http://www.nglrf.org/issues/maps.cfm?issueID=10>); Handout #6: *Same-Sex Partnerships in the Courts*; chart paper and markers

SUBJECT AREAS: Social Studies (History, Law, Politics, Ethics)

PROCEDURE:

Part 1—Interracial Marriage Bans in America (10 minutes)

Put the following statements on the board:

- *“All [such] marriages shall be absolutely void without any decree of divorce or other legal process.”*
- *Such marriages are “unnatural.”*
- *“Almighty God...did not intend for [such people] to mix.”*

Inform the students that the above statements come from various rulings by judges on cases involving marriage. Ask them to venture some guesses as to which group of people the statements relate. Many students will likely surmise that they are references to same-sex couples. After some speculation, inform the students that they reflect sentiments

about interracial marriage that were prevalent until relatively recent times. Share the full text of the above quotes with students:

- *“All marriages between a white person and a colored person shall be absolutely void without any decree of divorce or other legal process.” (Va. Code Ann. 20-57)*
- *Racial intermarriage is “unnatural”, and would lead to children who are “generally sickly, and effeminate...and inferior in physical development and strength.” (Scott v. Georgia, 39 Ga. 321, 323, 1869)*
- *Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix.” (Loving, 388 U.S. at 3, 1958)*

Allow some time for students to react to these statements. Point out that at one time, 40 states forbade the marriage of a white person to a person of color. It was not until 1948 that California became the first state to declare unconstitutional a ban on interracial marriage. In the landmark *Loving v. Virginia* case in 1967, the U.S. Supreme Court finally struck down the remaining interracial marriage laws across the country and declared that the “freedom to marry” belongs to all Americans.

Part 2—Determining the Attributes of Marriage (20 Minutes)

Ask students if they think that race is an attribute that should be considered in determining eligibility for marriage. (Many will likely denounce this notion). Challenge students to come up with qualities that they feel make more sense. In small groups of 3 or 4, ask them to brainstorm a set of attributes of marriage (such as emotional compatibility, demonstration of love, commitment over time, economic interdependence, etc.). After about 10 minutes, ask groups to post and share their lists. Create a master class list that reflects the major attributes of all the lists. If there is disagreement amongst students, try to reach some consensus, allow them to vote, or finalize the list in some other fashion. Display the class criteria prominently.

Part 3—A Prisoner’s Right to Marry (10 Minutes)

Post the following list on the board. Tell students that in 1987, the last time the United States Supreme Court considered the claim of a group of Americans about restrictions on their right to marry, the Court articulated these 4 attributes of marriage common to this group and all other Americans.

- Expression of emotional support and public commitment
- Spiritual significance, and for some the exercise of a religious faith
- The expectation that for most, the marriage will be consummated
- The receipt of tangible benefits, including government benefits and property rights

Give students a chance to comment on how this list compares to the one with which the class came up. Ask students to again guess the group of Americans about which the

courts were deliberating when they listed these attributes. After some conjecture, inform students that after identifying the above attributes of marriage, the Court decided that *incarcerated prisoners* shared with other Americans the freedom to marry. Because marriage constitutes a legal relationship marked by devotion and commitment, the Court invalidated Missouri's virtually complete ban on marriages of prison inmates (*Turner v. Safley*, 1987). Give students an opportunity to react to this decision and to offer their opinions as to the right of prisoners to marry.

Part 4—Parallels to Marriage of Same-Sex Couples (30-40 Minutes)

Inform the students that, in recent years, yet another group of Americans has turned to the courts in order to win the freedom to marry—same-sex couples. As of March, 2000, Vermont is the only state to have ruled that the full benefits and protections of marriage be extended to same-sex couples (though through a “separate but equal” system of civil unions). Thirty-six states have adopted anti-marriage measures for same-sex couples. In South Dakota, the language is reminiscent of the old Virginia anti-miscegenation code: *“Any marriage between persons of the same gender is null and void from the beginning.”* In California, a particularly divisive battle was fought throughout 1999 and early 2000. Proposition 22, the Limit on Marriages Initiative—also known as the Knight Initiative after its sponsor, State Senator Pete Knight—proposed that the following statement be written into state law:

“Only marriage between a man and a woman is valid or recognized in California.”

Since California already defined marriage as the union between one man and one woman, this initiative was essentially about blocking recognition of the marriages of same-sex couples performed legally in other states. On March 7, 2000 Proposition 22 passed. Currently, thirty-six states have Defense of Marriage Acts or DOMAS restricting same-sex couples from marrying in that state. DOMAS also allow states to ignore civil unions or same-sex marriages granted in other states.

In 1996, under the leadership of President Clinton a federal DOMA was passed which then allowed for states to create individual DOMAS because they could follow a federal precedent. Couples who have received a civil union in Vermont, but live in other states, face the challenge of their state of residency acknowledging the union. Opposite-sex unions performed in any state are acknowledged in all states due to the “Full Faith and Credit” clause of the U.S. Constitution, which reads:

Article IV

Section 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states

Provide students with a copy of *Marriage Map* (<http://www.nglftf.org/issues/maps.cfm?issueID=10>) and Handout # : *Same-Sex Partnerships in the Courts*. (If you cannot download the map from the Internet, you can tell students that, as of September 2003, 36 states have anti-same-sex marriage laws. The states that do NOT are: CT, DC, DE, MA, MD, NH, NJ, NM, NY, OH, OR, RI, VT, WI, and WY). Ask students to read about the cases, *Burns v. Burns* and *Langan v. St. Vincent's Hospital* and to answer the questions below.

- Describe the *Burns v. Burns* case? Why did Ms. Burns feel that she was not violating the custody rules when her daughter spent the night with her and her partner? What was the final outcome of the case?
- Who was Langan and why was he suing St. Vincent's Hospital? How did the judge rule?
- Explain the similarities in the *Burns* and *Langan* cases.
- After viewing the *Marriage Map*, why do you think the decisions in each case were different? If these cases had taken place in your home state, what could you conclude the outcome of the cases would be?
- Discuss the possible conflicts that can arise between the "Full Faith and Credit" clause of the U.S. Constitution and the state DOMAs.

Ask the students to use the class list of marriage attributes they brainstormed earlier in reaching a conclusion about the legal right of same-sex couples to marry. Emphasize that the criteria they developed should be applied objectively to any group under consideration. Ask them to reflect upon the following questions:

- Do same-sex couples have the capacity to reflect the attributes on the class list?
- Is it right for a state to invalidate marriages performed legally in other states?
- Should the state have the right to determine who can and cannot marry based on gender, sexual orientation, race, religion, or any other factor?
- Is there a justification for the definition of marriage as the union between one man and one woman?
- Should states have the right to rule differently on cases concerning civil unions or should they be handled the same way as marriages between men and women?

After 10-15 minutes of discussion, ask students to vote on whether they think same-sex couples that have been married or have entered into civil unions in one state should hold those same rights when living in another state. Allow students to vote by anonymously writing 'yes' or 'no' on a slip of paper and dropping it in a shoebox or other container. (Emphasize that abstention is a perfectly acceptable option). Ask students to share some of the thoughts that came up in their small groups and address any questions that students wish to bring up. Tally the results of the class vote and share the outcome with all.

Burns v. Burns,

253 Ga. App. 600, 560 S.E.2d 47 (Ga. App. 2002)

In this case, a divorced couple entered into a consent decree in which they agreed that neither party would be allowed overnight visitation with the children while they were cohabiting with someone to whom they were not married or related. Subsequently, the mother contracted a Vermont civil union and the father moved for an order of contempt when the mother had visits with the children while living with her partner. The trial court held that a civil union did not make the partner related and that therefore, the mother was in contempt of the consent order. The court of appeals identified the sole issue in the case as whether the trial court erred in its enforcement of the consent order. A panel of the Georgia Court of Appeals unanimously affirmed the lower court decision.

The court of appeals held that a Vermont civil union was not a marriage and that even if the couple had been able to enter a same-sex "marriage," it would not be recognized as legally valid in Georgia given the Georgia state marriage recognition law, the federal Defense of Marriage Act and the fact that the definition of marriage is a question to be left to the legislature rather than the judiciary. The court further dismissed the mother's right of privacy claim, holding that she had waived that right when she agreed to the consent order.

The court thus concluded that the consent order was valid and that violation of the order constituted contempt.

For more information, see <http://www.marriagewatch.org/cases/ga/Burns/burns.htm>.

Langan v. St. Vincent's Hospital of New York,

Index #11618/2002 Nassau County Supreme Court (N.Y.)

John Langan, surviving partner of Neal Conrad Spicehandler, filed a wrongful death lawsuit against St. Vincent's Hospital, seeking damages for negligence in the death of Mr. Spicehandler. Under New York law, only "spouses" are entitled to bring a wrongful death claim, prompting Mr. Langan to argue that his Vermont civil union should be recognized in New York as making him a legal "spouse" of the deceased.

On April 10, Nassau County Supreme Court Judge John Dunne ruled that Mr. Langan should be legally recognized as a "spouse" under New York law for purposes of his wrongful death claim.

For more information, see <http://www.marriagewatch.org/cases/ny/langan/langan.htm>.

Lesson 4: The Notion of *Influence*

OVERVIEW: One of the fears around legalizing marriage of same-sex couples is that legitimizing LGBT relationships will somehow ‘influence’ young people in negative ways, perhaps to ‘try out’ same-sex relationships for themselves. This is most evident in the bans many schools and libraries have instituted with regard to books and materials that depict same-sex relationships. In this lesson, students will have the opportunity to review two of those books and decide for themselves to what extent they hold the power to ‘influence’ young people. Students will also consider the real-life situation of a young girl invited to participate in a same-sex wedding, and will provide advice as to what they think is the right course of action.

OBJECTIVES:

- To define *influence* and identify some of the influences in our lives.
- To explore the idea—held by some—that exposure to same-sex relationships can influence young people in negative ways.
- To analyze real-life situations involving youth exposure to same-sex relationships.

AGE LEVEL: High School

TIME: 1 Hour 20 Minutes-1Hour 40 Minutes (If only one period is available, leave out Part 4)

MATERIALS: Handouts #7 and #8: *Text of Daddy’s Roommate/Wedding*; Handout #9: ‘*Daddy’s Roommate*’ in the News; Handout #10: *Ask Annie*; chart paper, and markers

SUBJECT AREAS: Social Studies, English/Literature, Writing, Media

PROCEDURE:

Part 1—Identifying Influences (10 Minutes)

Put the following definition on the board:

Influence: The power or capacity to cause an effect in indirect or intangible ways.

Ask students to think for a moment about ways in which they have been influenced in the course of their lives. Ask volunteers to share some of these influences—they may be people, ideas, experiences, or other forces—and to indicate how and in what ways they have been influential. Ask them to specifically think about the forces that have shaped their feelings about love, marriage, and family. List some of their responses on the board. Spend about 5 minutes on this discussion.

Part 2—Daddy Gets Married (30-40 Minutes)

Distribute Handouts #8/9: *Text of Daddy's Roommate/Wedding*. (Alternatively, get copies of these books to read aloud/display in class). Explain that these children's books have been banned in many schools and libraries because they depict same-sex couples. Point out that some people fear that exposure to such relationships hold the power to *influence* young people in negative ways, who may then "try out" such relationships themselves. Ask students to read the texts and to consider the extent to which they have the power to *influence* readers. Distribute Handout #10: '*Daddy's Roommate*' in the *News*, an article chronicling the controversy in one Montana library over *Daddy's Roommate*. After the students have had the opportunity to read the texts and article, ask them to write a letter to the editor of the *Billings Register*. In their letters, students should take a stance on the issue, explaining whether or not they feel books depicting same-sex couples should be included in schools and libraries. Challenge students to justify their stances with detailed arguments.

Part 3—Do Same-Sex Relationships Have the Power to 'Influence'? (20 Minutes)

Ask for volunteers to read their letters aloud to the class and allow students to respond to one another's ideas. Use their letters as a springboard for exploring the following questions:

- Can exposure to information/images about same-sex couples (through books, TV, film, class lessons, etc.) influence your beliefs? If so, how and to what extent?
- Does exposure to such relationships have the power to shape your behavior and/or sexual identity?
- Is it beneficial or detrimental to discuss issues such as marriage of same-sex couples with young people in school or in other public forums? Why or why not? What evidence can you present to support your stand?

Part 4—Ask Annie (20-30 Minutes)

Distribute Handout #11: *Ask Annie*. Explain to students that this letter is based on one written to an advice columnist by a parent concerned about whether or not to allow her 9-year-old daughter to participate in the wedding of her uncle and his same-sex partner. Ask students (individually or in small groups) to assume the voice of the columnist and to write a response to the letter. Ask students to consider the class discussion and the following questions as they write:

- Is there any harm in allowing the girl to participate? In barring her from the wedding? Is it possible that the experience will *influence* her in some way?
- Who should make the final decision? Is a 9-year-old capable of such a decision?
- If the parent considers Pete "a great person," a "devoted uncle," and has "no problem" with his relationship, why can she "not condone that lifestyle"? What are her underlying fears/beliefs?
- Is the parent's attitude prejudiced/discriminatory or not?

When students have finished writing, ask for volunteers to read their responses aloud. Allow some time for discussion, and encourage students to think carefully about the consequences of sheltering children from different people and experiences. No matter what our moral stance is on any particular issue, we all have to co-habitate in a world with others who look, think, and behave differently. Are we really doing young people a service when we shield them from this inevitable diversity?

If you're curious as to Annie's answer to this question, read on:

Gay couples that wish to have a ceremony to celebrate their union should not be asking a 9-year-old to participate. It would be too confusing. A service for those in the inner circle would be OK, but please, no children. Tell your brother-in-law that your daughter will not be participating. (PS I agree with her that a 9-year-old is a bit beyond the "flower girl" range.)

My Mommy and Daddy got a divorce last year.
Now there's somebody new at Daddy's house.
Daddy and his roommate Frank live together,
Work together,
Eat together,
Sleep together,
Shave together,
And sometimes even fight together,
But they always make up.
Frank likes me too!
Just like Daddy, he tells me jokes and riddles,
Helps me catch bugs for show-and-tell,
Reads to me,
Makes great peanut butter-and-jelly sandwiches,
And chases nightmares away.
When weekends come,
We do all sorts of things together.
We go to ball games,
Visit the zoo,
Go to the beach,
Work in the yard,
Go shopping,
And in the evenings, we sing at the piano.
Mommy says Daddy and Frank are gay.
At first I didn't know what that meant. So she explained it.
Being gay is just one more kind of love.
And love is the best kind of happiness.
Daddy and his roommate are very happy together,
And I'm happy too!

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One day Mommy and Steven and I had a picnic in our backyard. Steven is my new stepfather. He can play the guitar and loves baseball as much as I do!

"Hey, Nick," Steven said, "Why don't you go play. 'I'll barbecue the chicken."

My friends wanted to play volleyball. Soon we were thirsty, so Mommy served us her special strawberry punch.

Daddy and his roommate Frank were the last to arrive. Clancy came, too.

Clancy's a great dog, but he can sure get in the way!

When the picnic was almost over, Daddy and Frank took me to the garden swing to talk. Daddy said, "Nick, we want to invite you to a special occasion next month. We're going to get married."

"Can men get married to each other?" I asked.

"We call it a commitment ceremony, Nick," said Frank. "That's like a wedding." Mommy and Steven joined us, and Daddy and Frank told them about it. "We want you all to come," Daddy said.

Mommy hugged Daddy and said, "We'd love to join, Daniel! It sounds like a lot of fun. Nothing's better than a wedding in June."

Daddy turned and said, "Nick, would you do me the honor of being my best man? We want you to be an important part of our big day." And Frank said, "You're the first one we thought of."

This was terrific! "I'd love to, Dad," I said. "I'll be the *best* best man you've ever seen!"

On the day of the wedding, we drove to Daddy and Frank's house on the other side of town.

The yard was filled with people. There were flowers everywhere. Balloons and flags hung from the trees.

My Grandma and Grandpa were already there. A lot of Daddy and Frank's friends came, too.

Mommy and Steven sat together in the front row. I stood beside Reverend Powell, waiting for Daddy and Frank to come out of the house.

Music started playing, and Daddy and Frank appeared, looking *very* happy. When the music ended, reverend Powell said, “Daniel and Frank have written vows they’d like to read.”

First, Daddy told us how he met Frank. Then Daddy turned to Frank and said, “I’m looking forward to spending the rest of my life with you.”

Then Frank spoke. He vowed to love Daddy, and take care of him in sickness and in health. Frank turned to me. “And we already have a son to share.” That was my favorite part of the wedding.

Reverend Powell turned to me. “Nick, I believe you have the rings.”

First, Daddy put a gold ring on Frank’s finger. Then Frank slipped a ring on Daddy’s finger.

After that, Reverend Powell said they were married. And suddenly hundreds of balloons fell down all over the place.

Reverend Powell said, “Daniel and Frank’s friends have prepared a lovely reception. Let’s enjoy ourselves!”

Everyone turned to the tables at the side of the yard, where there were plates of sandwiches, bowls of punch, and a huge white wedding cake...

And Clancy!

“You *bad* dog!” Grandma said. “Ruining that lovely cake...” But Daddy and Frank just laughed.

“It’s just a little messed up, and only on the side,” I said. “And look, it still tastes good!”

The cake really *was* good. We all drank punch and ate until we almost busted—although Clancy managed to get into the sandwiches, too.

The day after the wedding, Daddy and Frank went to San Francisco for their honeymoon. I hope they had as much fun as I did that week...

I went to baseball camp!

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'Daddy's Roommate' in the News

Handout #9

Family Action Committee Challenges Library Over 'Daddy's Roommate'
Billings Register, December 10, 1999

BILLINGS - Having failed to force the Oak Street Public Library to restrict access to two controversial children's books dealing with homosexuality, conservatives have turned their attention to the Freeport Community Library.

The Montana Family Action Committee wrote a letter to library board members on Friday and issued a public statement Tuesday calling for the book *Daddy's Roommate* to be removed from the library's collection or at least kept away from children.

Mark Johnson, the group's executive director, said the request was prompted by the concerns of a mother who reported finding the book on the floor in the children's section.

"The Freeport Community Library should respect the right of parents to choose the time they believe is most appropriate to discuss with their children the issue of human sexuality generally, and homosexuality specifically," Johnson wrote Tuesday. "Parents whose children use the Freeport Community Library will lose that right if books such as *Daddy's Roommate* continue to be shelved in the children's area of the library."

Library Director Linda Rogers said the book about a gay parent has been in the library's collection since October 1992 and has never before been the subject of controversy.

"It is shelved in our youth services nonfiction section," she said. "We do not shelve it with picture books."

Rogers said the library board would hear public testimony on the issue this afternoon. Johnson said he would attend the meeting to ensure directors understand that children should not have unrestricted access to books that suggest homosexual relationships are normal.

"We are concerned that the subject matter of this book is not in line with the traditional family values that parents are trying to teach their kids throughout the state of Montana," he wrote in Friday's letter.

Last summer the Montana Family Action Committee and the Montana Christian Coalition joined a campaign started by a group of parents to have children's access restricted to *Daddy's Roommate* and *Heather Has Two Mommies* in the Oak Street Public Library.

The books were moved from the library's picture book section to its children's nonfiction section as a compromise, but the groups failed in their attempt to get library officials to remove the books entirely or relocate them to an area where parents could have more control over access.

Oak Street Public Library Director Janice Mott said parents should monitor their children's library use or set clear limits for them.

Ask Annie

Handout #10

The following letter is based upon a query from a newspaper advice column. How would you have responded? Write your reply below.

Dear Annie:

My husband and I have been married for 15 years. We have a wonderful marriage and two terrific children. The problem I am writing about involves my husband's brother. He is gay.

"Pete" is a great person and a devoted uncle to our children. Until now, we haven't had a problem with Pete or his live-in companion "Bob." Our children think of Bob as their uncle's friend. The two of them have been together for 20 years. Everything was fine until Pete and Bob decided to get "married" and asked our 9-year-old daughter to be the flower girl at their wedding.

I am raising my children to believe that marriage is a sacred union between a man and a woman. I do not want my daughter to participate in Pete's wedding. My husband feels the same way. In fact, he doesn't even want to go. So far, the only comment my daughter has made is "I am too old to be a flower girl."

I am not prejudiced against gay people, Annie, but I do not condone that lifestyle, either. Please tell me what to do

--Predicament in Pittsburgh

Dear Predicament,

Lesson 5: A Spiritual Contract Religious Unions and the Marriage Debate

OVERVIEW: It is impossible to conduct any debate on the issue of marriage without a consideration of the impact of religion on the institution. Some of the most heated arguments around marriage have come from within communities of faith. In this lesson, students are asked to explore the meaning of religious marriage and to identify marriage customs within their own religious experiences. Students are then challenged to use as a case study the Vatican's recent statement concerning same-sex marriage.

OBJECTIVES:

- To define religious marriage and identify some of the customs associated with religious unions
- To understand the differences between civil and religious marriage
- To use a case study as a vehicle for exploring the marriage debate from a religious perspective

AGE LEVEL: High School

TIME: 65 Minutes-90 Minutes

MATERIALS: Handout #11: *Vatican Targets Gay Marriage Laws*; Handout #12: *Massachusetts Declaration of Religious Support For the Freedom of Same-Gender Couples to Marry*

SUBJECT AREAS: Social Studies (Religion, Current Events), Media, Journalism, English (Composition)

PROCEDURE:

Part 1—Religious Marriage Practices: How Are They Distinctive? (15 Minutes)

Assuming that students have participated in Lessons 1 and 2, they will have already formulated personal definitions of marriage and learned the meaning of civil marriage. If not, you may want to begin this lesson by eliciting some of the students' ideas about what marriage is as well as offering the legal definition of marriage as recognized by the state. Once these ideas have been established, tell them that there is yet a third conception of marriage that differs significantly from the first two—religious marriage. Ask students to discuss the ways in which—according to their own personal experiences—religious marriage is distinctive. Ask students to identify customs and traditions that characterize weddings/marriages within their own religious communities. If you wish, list their responses on the board for reflection by the class. Allow 5-10 minutes for discussion.

Part 2—Not the Same Thing: Religious vs. Civil Marriage (10-15 Minutes)

Display the following characteristics of religious marriage on an overhead or large chart. Ask for student volunteers to read each point aloud. Answer any questions students may have about these characteristics.

- Civil marriage and religious marriage are different institutions, but often confused with each other because states allow the religious ceremony to double as the state ceremony.
- Just as there are different marriage laws in all the states, there are different definitions of marriage in every religious tradition.
- Unlike civil definitions, religious definitions of marriage frequently mention childbearing, sexual relations, living arrangements, and/or religious belief and observance.
- When clergy or congregations marry couples it is a religious rite, not a civil ceremony, though the government may recognize it. Clergy and congregations choose whom they marry. They aren't compelled to accept the state's marriage definition, and indeed, many religious institutions don't accept it. Many religious institutions are more restrictive than the state, rejecting interfaith marriages or remarriages after divorce. And some have a broader definition, blessing the unions of same-gender couples.

With regard to the issue of marriage of same-sex couples, inform students that:

- Though some religious institutions prohibit the marriages of same-sex couples (such as the Methodist and Catholic Churches, and congregations of Orthodox Jews), many other faiths recognize religious unions or marriages between same-sex couples, even in places where such unions are not recognized by the government. Individual congregations of reform Jews, American Baptists, Buddhists, Episcopalians, Presbyterians, Unitarian Universalists, Methodists, the Society of Friends and members of the United Church of Christ have performed marriages for same-sex couples.
- Even after civil marriage becomes available to same-sex couples, religious institutions will retain the right to decide for themselves whether to perform or recognize any marriage, just as they already do for every couple. No court decision or legislative enactment can change the basic tenets of a religious faith.

Part 3—The Vatican: A Case Study (40-60 Minutes)

Tell students that you will be asking them to consider marriage of same-sex couples from a religious standpoint. Emphasize that they will not be asked to defend or attack their own or their classmates' religious beliefs/affiliations. Instead, they will be considering a case study of the Vatican's recent response to same-sex marriages. Distribute Handout # : *Vatican Targets Gay Marriage Laws*, which is an article based on a CBS newscast. Ask for several volunteers to divide the article and present it as a newscast for the class. This will provide students with some context and background information. Next, challenge students to develop news-style editorials that reflect their opinions about the situation.

Give them a copy of Handout # : *Massachusetts Declaration of Religious Support For the Freedom of Same-Gender Couples to Marry from the Religious Coalition for the Freedom to Marry* along with the CBS article so that they have documents that provide perspectives on both sides of the issue. (For the full text of the Vatican's 12-page statement, entitled *Considerations Regarding Proposals to Give Legal Recognition to Unions Between Homosexual Persons*, visit http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20030731_homosexual-unions_en.html). This activity can be done individually or in small groups of 3-4. Ask students to consider the following questions while formulating their editorials:

- Describe the recent statement concerning same-sex marriage by the Vatican. What events prompted the Vatican to make an official statement at this time?
- The Vatican's statement calls for Catholic politicians to bar civil marriages. Would it be appropriate for Catholic politicians in the United States to follow the wishes of the Catholic Church? Why or why not?
- Discuss the philosophy of the Religious Coalition for the Freedom to Marry. What arguments do they use to defend the right of all people to receive religious marriages?

When the students have finished writing, ask each group to come up and deliver their editorials in the style of a newscaster. Allow time for questions and discussion. Suggest that students find out what the beliefs about marriage of same-sex couples are within their own religious institutions. Encourage them to discuss these beliefs with family members and religious leaders, and to begin to develop a personal stance on this issue.

VATICAN CITY, July 31, 2003, <http://www.cbsnews.com>

The Vatican launched a global campaign against gay marriages Thursday, warning Catholic politicians that support of same-sex unions was "gravely immoral" and urging non-Catholics to join the offensive.

The Vatican's orthodoxy watchdog, the Congregation for the Doctrine of the Faith, issued a 12-page set of guidelines with the approval of Pope John Paul II in a bid to stem the increase in laws granting legal rights to homosexual unions in Europe and North America.

"There are absolutely no grounds for considering homosexual unions to be in any way similar or even remotely analogous to God's plan for marriage and family," the document said. "Marriage is holy, while homosexual acts go against the natural moral law."

The issue is particularly charged in the United States, where some lawmakers in the House of Representatives have proposed a constitutional ban on gay marriages to counter state laws granting legal recognition to gay unions.

President Bush said Wednesday that marriage was defined strictly as a union between a man and a woman and said he wants to "codify that one way or the other."

The Vatican document, "Considerations Regarding Proposals to Give Legal Recognition to Unions Between Homosexual Persons," sets out a battle plan for politicians when confronted with laws or proposed legislation giving homosexual couples the same rights as married heterosexuals.

It also comes out strongly against allowing gay couples to adopt, saying children raised by same-sex parents face developmental "obstacles" because they are deprived of having either a mother or a father.

"Allowing children to be adopted by persons living in such unions would actually mean doing violence to these children, in the sense that their condition of dependency would be used to place them in an environment that is not conducive to their full human development," it said.

The document says Catholic politicians have a "moral duty" to publicly oppose laws granting recognition to homosexual unions and to vote against them if proposals are put to a vote in legislatures.

If the laws are already on the books, politicians must speak out against them, work to repeal them and try to limit their impact on society, it said.

"To vote in favor of a law so harmful to the common good is gravely immoral," the document said.

The document doesn't provide for specific penalties for Catholics who fail to oppose such laws, saying only that the lawmakers had a "moral duty" to vote against them.

The Vatican said its guidelines were not only intended for Catholic lawmakers but for non-Christians and everyone "committed to promoting and defending the common good of society" since the issue concerned natural moral law, not just Church doctrine.

The document doesn't contain any new Church teachings on the issue, repeating much of the Vatican's previous comments on homosexuality and marriage, which it defines as a sacred union between man and woman designed to create new human life.

It said homosexuals shouldn't be discriminated against, but said denying gay couples the rights afforded in traditional marriages doesn't constitute discrimination.

In a footnote citing a 1992 comment on the topic, the document also noted that there was a danger that laws legalizing same-sex unions could actually encourage someone with a homosexual orientation to seek out a partner to "exploit the provisions of the law."

But legal acceptance is growing.

Two Canadian provinces - Ontario and British Columbia - have legalized homosexual marriage under recent court rulings, a move that has attracted gays from across the border in the United States.

Earlier this month, a top German cardinal condemned Germany's same-sex marriage law after it was upheld by the country's Supreme Court, calling it a blow to the family.

"Now the associations of homosexuals have a potent arm to obtain further concessions on the road toward full equality with married couples, including the right to adoption," Cardinal Karl Lehman complained in a Vatican Radio interview.

The Vatican is particularly worried about the waning influence of the church in Europe. Drafters of a proposed constitution for the European Union ignored Vatican requests to include explicit mention of Europe's Christian roots.

Recently, the pope lamented that the church's message is being watered down in Europe.

On Thursday, a small group of demonstrators from Italy's Radical Party held up banners at the edge of St. Peter's Square to protest the document. The banners read "No Vatican, No Taliban," and "Democracy Yes, Theocracy No."

Other opposition to the document came from the Green Party in predominantly Catholic Austria. Ulrike Lunacek, a party spokeswoman, said Catholic politicians should follow human rights conventions, "not the old-fashioned views of the Vatican."

"This hierarchy, which also rules on other issues like forbidding the use of condoms to avoid AIDS, is far from reality," she said in a statement issued earlier this week after the Vatican announced the document's release.

**Massachusetts Declaration of Religious Support
For the Freedom of Same-Gender Couples to Marry**

Handout #12

The most fundamental human right, after the necessities of food, clothing and shelter, is the right to affection and the supportive love of other human beings. We become most fully human when we love another person. We can grow in our capacity to be human -- to be loving -- in a family unit. This right to love and to form a family is so fundamental that our Constitution takes it for granted in its dedication to "secure the blessings of liberty to ourselves and our posterity"; our Declaration of Independence likewise affirms the essential right of human beings to "life, liberty, and the pursuit of happiness."

Throughout history, tyrants have known that by denying the right of oppressed peoples to form and nurture families, they can kill the spirit of those peoples. From the shameful history of slavery in America, the injustice of forbidding people to marry is evident as a denial of basic human rights. The American laws forbidding interracial marriage, now struck down, were clearly discriminatory. Denial of the status of marriage, to those who would freely accept its responsibilities, creates legal and economic inequities in addition to its social injustice. We feel called to protest and oppose this type of injustice.

As religious people, clergy, and leaders, we are mandated to stand for justice in our common civic life. We oppose appeals to sacred texts and religious traditions for the purpose of denying legal equity to same-gender couples. As concerned citizens, we affirm the liberty of adults of the same gender to love and marry. We insist that no one, especially the state, may either coerce people into marriage, or bar two consenting adults of the same gender from forming the family unit that lets them be more fully loving, thus more fully human. We respect the fact that debate and discussion continue in many of our religious communities as to the theological and liturgical issues involved. However, we draw on our many faith traditions to arrive at a common conviction: we are resolved that the State should not interfere with same-gender couples who choose to marry and share fully and equally in the rights, responsibilities, and commitments of civil marriage.

We affirm the right to freedom of conscience in this matter: we recognize that the state may not require religious groups to officiate at, or bless, same-gender marriages. By the same token, a denial of civil recognition dishonors the religious convictions of those communities and clergy who do officiate at, and bless, same-gender marriages; the state may not favor the convictions of one religious group over another to deny individuals their fundamental right to marry and have those marriages recognized by civil law.

As faith leaders, we commit ourselves to public action, visibility, education, and mutual support in the service of the right and freedom to marry.

From The Religious Coalition for the Freedom to Marry
(<http://www.ftm-mass.org/rcfm/declare.htm>)

Lesson 6: Maybe Marriage? Massachusetts' Impending Marriage Legislation

OVERVIEW: In April 2001, seven couples in Massachusetts sued for the right to civil marriage under the state constitution. In an historic decision on November 18, 2003, the Massachusetts Supreme Judicial Court ruled that gay and lesbian couples have the right to civil marriage in Massachusetts. The ruling in *Goodridge v. Department of Public Health* is the first of its kind in this country by a state high court. In the past fifteen years, over twenty countries (and the state of Vermont here in the U.S.) have enacted some form of legislation related to marriage of same-sex couples. In this lesson, students will first apply the historical lesson of “separate but equal,” taken from the era of racial segregation, to the decision the Vermont legislature made in 2000. Students will then analyze the facts and arguments of *Woodridge et al. v. Department of Health*. They will assume the role of advisors, making recommendations to the Massachusetts Legislature based upon international human rights practices and the current regulations of other nations in regards to marriage of same-sex couples.

OBJECTIVES:

- To understand the Vermont decision and analyze Vermont’s system of civil unions
- To apply historical learnings about “separate but equal” to the marriage debate
- To consider whether Vermont has upheld international human rights practices
- To understand the Massachusetts case and how the outcome could possibly be very different from the 1999 Vermont case
- To consider international human rights practices as one criterion by which a decision in Massachusetts might be reached
- To consider the practices of other nations in formulating an opinion on the Massachusetts case

AGE LEVEL: High School

TIME: 2 Hours 10 Minutes-3 Hours 25 Minutes

MATERIALS: Handout #13: *Massachusetts' Highest Court Rules in Landmark Suit Seeking Civil Marriage for Lesbian and Gay Couples*; Handout #14: *Separate but Equal?*; Handout #15: *Universal Declaration of Human Rights (Abbreviated Version)*; Handout #16: *International Recognition of Same-Sex Relationships; The Universal Declaration of Human Rights (Official Version of the United Nations)*—see Appendix 1

SUBJECT AREAS: Social Studies (History, Current Events, Global Studies, Law, Politics)

PROCEDURE:

Part 1—Setting the Stage (10-25 Minutes, depending upon whether the reading is done prior to or during the session)

Provide students with background information on *Woodridge et al. v. Department of Health*, the landmark case that ruled in favor of same-sex civil marriages in Massachusetts. Emphasize that the Massachusetts Supreme Court decision might lead to civil marriage for same-sex couples, making it the first state in the U.S. to do so. Currently, Vermont has come the closest to providing these rights in a 1999 court case that led the Vermont legislature to grant same-sex couples the right to a civil union, establishing a “separate but equal” system in 2000.

Inform students that, during this exercise, they will be assuming the role of advisory panel members appointed by the Massachusetts State Legislature to study the marriage issue and make informed recommendations. The question at hand is whether or not a regulation that provides equal marriage benefits under a different name or separate system would be legal or fair in Massachusetts.

In order to accomplish this task, they will consider three areas:

- The Vermont decision and historical parallels to the decision to create a “separate but equal” system of civil union
- The Universal Declaration of Human Rights and just practices within the context of international humanitarian standards
- The practices of other nations who have enacted legislation regarding the unions of same-sex couples—learning from their successes and mistakes

Select 4-6 students to act as the Massachusetts State Legislature, a group that will be charged with hearing recommendations and raising questions. Divide the remaining students into groups of 4 and inform them that each group represents an advisory unit that will present its recommendations at the end of the activity.

Part 2—Looking Back, Looking Forth: Historical Parallels to “Separate but Equal” (20-30 Minutes, depending upon whether the reading is done prior to or during the session)

Tell students that the 2000 Vermont decision establishing Civil Unions was not the first instance in which a “separate but equal” system of justice has been debated. A legal precedent for “separate but equal”—with regard to racial segregation—was established in *Plessy v. Ferguson* (1896) and was not reversed until the *Brown v. Board of Education* decision (1954). Distribute Handout #13: *Separate but Equal?* and allow students time to read the case summaries (if they have not already done so for homework).

Direct the groups toward “*What Does Separate but Equal Look Like?*,” the worksheet attached to Handout #13. Instruct each group to consider the practical or day-to-day ramifications of a “separate but equal” system. On the left side of the sheet they should list what “separate but equal” looked like for African Americans living between the

Plessy and *Brown* decisions, paying special attention to the social and emotional consequences of such a system. For example, students might indicate that young people had to often travel great distances to reach a “colored” school or that African Americans had to remain thirsty—even with a fountain nearby—until a “colored” fountain could be found. They might also think about what this system looked like for White Americans, who may never have had opportunities to relate to people who looked different from themselves.

On the right side of the worksheet, students should list what “separate but equal” looks like for same-sex couples living under a system of civil unions instead of marriage. This column will be significantly more challenging as most of us have never been asked to consider the lives of sexual minorities with as much thought as we have been asked to reflect upon the experiences of racial minorities. Students might write that same-sex couples would be limited in terms of where, when, and to whom they could go to secure a “separate but equal” partnership license. In addition, couples might find that the alternative designation results in fewer religious leaders willing to perform a ceremony, and fewer friends and family members acknowledging that they are as “married” as different sex couples.

The group of 4-6 representing the Massachusetts State Legislature should participate in this activity, but should generate questions raised by the “separate but equal” issue that they can later pose to the advisory panel. For example: If same-sex couples in Vermont receive full marriage rights, then how are they harmed by a separate designation for their relationships? Or: If there is no difference in the benefits conferred, then why should there be a separate system for conferring those rights?

Part 3—An International Human Rights Perspective (20-30 Minutes)

Ask groups to turn next to Handout #14: *Universal Declaration of Human Rights (Abbreviated Version)*. Provide each group with one copy of the full text of the Declaration as well (see Appendix 1). Explain that the UDHR was ratified by the 56 members of the United Nations in 1948, in part to ensure that the human rights abuses that occurred during World War II will never be repeated. The UDHR proclaims that recognizing the “inherent dignity and...the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.” Emphasize that, as opposed to civil or legal rights, human rights are defined as those basic standards people need to live in dignity. Human rights are the rights a person has simply because s/he is a human being.

Ask groups to consider whether or not they feel that the spirit of the UDHR compels governments to extend full marriage rights to all people, including lesbian, gay, bisexual, and transgender couples. Instruct each group to survey the documents and discuss this question. Groups will likely notice that article 16 asserts the right to marriage and family; encourage groups to look for other articles that might also relate to the issue of marriage of same-sex couples, such as the right to equality (article 1), freedom from discrimination (article 2), and other relevant articles. Remind students that their ultimate

goal is to make an informed report to the Supreme Court, so they should take notes and begin to articulate their thoughts. As stated earlier, the 4-6 legislators should discuss the documents and record important questions in anticipation of the presentations to come.

Part 4—Think Globally, Act Locally (20-30 Minutes)

This exercise is the third and final task for each advisory unit. Instruct students that outside the U.S., many foreign countries have been grappling with this issue for years. Each group will therefore be asked to study the marriage policies of 2-3 nations in an attempt to better understand the issue at hand and to make a more informed report. Cut Handout #15: *International Recognition of Same-Sex Relationships* into strips—25 countries are represented here, though there are at least a dozen more that have enacted some sort of same-sex couple legislation. Distribute 2 or 3 strips (countries) to each group for consideration. Instruct students to discuss the pros and cons of each country's laws and to extract ideas that can be incorporated into their presentations to the Massachusetts State Legislature. The 4-6 legislators should review all 25 summaries and search for patterns, confusions, and potential problems that they can later bring up. It is important for all groups to note that only three countries have provided full marriage equality, while many others provide a system of registered partnership. While registered partnership provides most of the benefits of marriage, it differs from marriage in that:

- Registered partners usually cannot adopt non-related children, or even each other's children
- Registered partners usually cannot have an "official" church wedding in the country's established national church
- One of the two registered partners must be a citizen of the country in which the partnership is contracted
- Registered partnerships are not recognized outside of the country in which the partnership is contracted (except for the small union of Scandinavian nations)

These issues—particularly adoption, citizenship, and movement between countries—should be given special attention during small group discussion and the presentations that will follow shortly.

Part 5—Group Presentations (60-90 Minutes)

In preparation for their presentations, give each group some time to review their notes, gather their thoughts, and develop their recommendations. Inform each group that they will have 5 minutes to present, and that their recommendations should include learnings from each of the three tasks they were asked to complete. Direct groups to decide if they will elect a spokesperson or divide the presentation amongst group members. When the groups are ready, ask the 4-6 legislators to sit at the front of the classroom in order to preside over the proceedings. Make sure that each advisory group keeps to its 5-minute limit and allow the justices to pose only 2 or 3 questions to each group. When all the groups have presented, direct the 4-6 legislators to retire to their offices (the corridor outside your classroom will do) in order to draft a law based upon the advisory panel's

recommendations. While they are working, conduct a debriefing conversation with the class. Ask them to comment upon what they have learned and the process in which they have participated. Ask students what they think the Massachusetts State Legislature should do based on their new knowledge. When the 4-6 legislators are ready, invite them in to share their decision. Encourage students to follow the news and look for updates on the situation in Massachusetts. You can check The Freedom to Marry Coalition of Massachusetts' website at <http://www.equalmarriage.org/> for updates on the case.

Massachusetts' Highest Court Rules in Landmark Suit Seeking Civil Marriage for Lesbian and Gay Couples

Handout #13

The full bench of the state Supreme Judicial Court heard arguments March 4, 2003, in the landmark case seeking the right of gay and lesbian couples to marry in Massachusetts. *Goodridge et al v. Department of Public Health* centered on seven plaintiff couples seeking the right to civil marriage under the Massachusetts Constitution. The suit argued that the right to marry the person of one's choice is protected under the state constitution, and further, that the state cannot justify excluding gay and lesbian couples and their families from the institution of marriage and the hundreds of protections it provides. The seven plaintiff couples have been in committed relationships between six and 32 years, and four of the couples are raising children. Each couple was denied a marriage license by local officials, which led to the filing of the suit in April 2001.

In an historic decision on November 18, 2003, the Massachusetts Supreme Judicial Court ruled that gay and lesbian couples have the right to civil marriage in Massachusetts. The ruling in *Goodridge v. Department of Public Health* is the first of its kind in this country by a state high court.

What did the Court decide in *Goodridge v. Department of Public Health*?

The Massachusetts Supreme Judicial Court declared that civil marriage is a civil right and that gays and lesbians have a constitutional right, under the liberty and equality provisions of the Massachusetts state constitution, to marry the person of their choice. The Court said: “[E]xtending civil marriage to same-sex couples reinforces the importance of marriage to individuals and communities. That same-sex couples are willing to embrace marriage’s solemn obligations of exclusivity, mutual support, and commitment to one another is a testament to the enduring place of marriage in our laws and in the human spirit.”

When can the plaintiffs get married?

The Court has provided 180 days “to permit the Legislature to take such action as it may deem appropriate in light of this opinion.” This means that the state of Massachusetts has six months to rewrite its marriage law to include same-sex couples. In May of 2004, city and town clerks will have to issue licenses to qualified marriage applicants regardless of sex.

Can the Legislature use the 180 days to enact legislation denying gays and lesbians the right to marry?

No, the Legislature has no ability to take away gays and lesbians’ constitutional right to marry the person of their choice. The 180 days is solely to facilitate the inclusion of same-sex couples in the marriage laws of Massachusetts.

Can the Legislature now provide civil unions or domestic partnerships to satisfy the Court’s opinion?

No, the Legislature cannot, at this time, provide rights less than marriage under an alternative legal structure such as civil unions or domestic partnerships. The Court itself

mandated that gays and lesbians are entitled to more. As the majority opinion stated: “The Massachusetts Constitution affirms the dignity and equality of all individuals. It forbids the creation of second-class citizens.”

Can the Legislature amend the state constitution to deny gays and lesbians the right to marry in the next 180 days?

No, the Massachusetts state constitution cannot be amended in the next 180 days. To amend the Massachusetts state constitution, the amendment needs to be approved by the Constitutional Convention (composed of the combined House and Senate) in two successive legislative sessions and then ratified by the public. The soonest the amendment could be brought to the public for a vote would be November, 2006.

From Gay and Lesbian Advocates and Defenders. For more information, visit <http://www.glad.org>

Separate but Equal?

Handout #14

In 2000, the Vermont State Legislature decided to grant same-sex couples access to a “separate but equal” system of registered partnership instead of “full marriage” rights. The question of whether separate can ever be equal has been debated frequently, perhaps most passionately within the context of racial segregation in the United States. Read the summaries below of the two pivotal cases that established and dismantled the legal concept of separate but equal as it related to racial segregation. Consider the lessons of these cases and the implications for marriage legislation today.

Plessy v. Ferguson

On June 7, 1892, a 30-year-old “colored” shoemaker named Homer Plessy was jailed for sitting in the “White” car of the East Louisiana Railroad. Plessy was only one-eighth black and seven-eighths white, but under Louisiana law, he was considered black and therefore required to sit in the “Colored” car. Plessy went to court and argued, in *Homer Adolph Plessy v. The State of Louisiana*, that the Separate Car Act violated the Thirteenth and Fourteenth Amendments to the Constitution (which abolished slavery and enforced the equality of the races before the law).

The judge at the trial was John Howard Ferguson, a lawyer from Massachusetts who had previously declared the Separate Car Act “unconstitutional on trains that traveled through several states.” In Plessy’s case, however, he decided that the state could choose to regulate railroad companies that operated only within Louisiana. He found Plessy guilty of refusing to leave the white car.

Plessy appealed to the Supreme Court of Louisiana, which upheld Ferguson’s decision. In 1896, the Supreme Court of the United States heard Plessy’s case and found him guilty once again. The *Plessy* decision set the precedent that “separate” facilities for blacks and whites were constitutional as long as they were “equal.” The “separate but equal” doctrine was quickly extended to cover many areas of public life, such as restaurants, theaters, restrooms, and public schools.

Brown v. Board of Education

In Topeka, Kansas, in the 1950s, a black third-grader named Linda Brown had to walk one mile through a railroad switchyard to get to her black elementary school, even though a white elementary school was only seven blocks away. Linda’s father, Oliver Brown, tried to enroll her in the white elementary school, but the principal of the school refused. Brown went to the National Association for the Advancement of Colored People (NAACP) for help. In 1951, the NAACP requested an injunction that would forbid the segregation of Topeka’s public schools. At the trial, the NAACP argued that segregated schools sent the message to black children that they were inferior to whites; therefore, the schools were inherently unequal.

The precedent of *Plessy v. Ferguson* allowed separate but equal school systems for blacks and whites, and no Supreme Court ruling had overturned *Plessy* yet. Because of the precedent of *Plessy*, the court felt “compelled” to rule in favor of the Board of Education. Brown and the NAACP appealed to the Supreme Court on October 1, 1951 and their case was combined with other cases that challenged school segregation in South Carolina, Virginia, and Delaware. On May 17, 1954, Chief Justice Earl Warren read the decision of the unanimous Court:

“We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other “tangible” factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does...We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal...”

The Supreme Court struck down the “separate but equal” doctrine of *Plessy* for public education, ruled in favor of the plaintiffs, and required the desegregation of schools across America. The Supreme Court's *Brown v. Board of Education* decision did not abolish segregation in other public areas, such as restaurants and restrooms, nor did it require desegregation of public schools by a specific time. It did, however, declare the permissive or mandatory segregation that existed in 21 states unconstitutional. It was a giant step towards complete desegregation of public schools.

Baker v. State of Vermont

In a landmark decision, the Vermont Supreme Court ruled on December 20, 1999 in favor of three same-sex couples who challenged the constitutionality of Vermont’s marriage laws. Writing for the court, Justice Amestoy declared,

“The extension of the common benefits clause to acknowledge plaintiffs as Vermonters who seek nothing more, nor less, than legal protection and security for their avowed commitment to an intimate and lasting human relationship is simply, when all is said and done, a recognition of our common humanity.”

The court concluded that the benefits and protections of marriage must be extended to same-sex couples. The court directed the legislature to remedy the discrimination, making Vermont the first state in the union to extend the legal rights of marriage to same-sex couples. The Vermont State Legislature was faced with the question of whether to extend full civil marriage to same-sex couples or to create a separate but equal system. They opted for a system of “separate but equal” by granting same-sex couples civil unions.

The *Plessy v. Ferguson* and *Brown v. Board of Education* cases present historical parallels that could not be overlooked in deciding the fate of same-sex Vermonters. What do you think Vermont legislators should have taken away from past lessons in arriving at a just decision?

What Does “Separate but Equal” Look Like?

For over 50 years, African Americans were forced to live under a system of segregation made legal by the Plessy v. Ferguson precedent. What did this system look like on a day-to-day basis for Americans? What were the social and emotional ramifications for all people? Below, describe some of the features of a racially segregated way of living.

Example: Black children often had to travel great distances, and endure physical hardships, on a daily basis to get to a “colored” school.

The Vermont State Legislature determined that same-sex couples will live within a “separate but equal” segregated system of partnership. What does this look like on a day-to-day basis? What are the social and emotional ramifications for all people? Below, describe some of the features of a segregated system of partnership.

Example: Friends, colleagues, and family members might not consider same-sex partners to *really* be married and might treat them differently (e.g., not inviting a spouse to Thanksgiving dinner).

Universal Declaration of Human Rights (Abbreviated Version)

Handout #15

- Article 1 Right to equality
- Article 2 Freedom from discrimination
- Article 3 Right to life, liberty, and personal security
- Article 4 Freedom from slavery
- Article 5 Freedom from torture and degrading treatment
- Article 6 Right to recognition as a person before the law
- Article 7 Right to equality before the law
- Article 8 Right to remedy by competent tribunal
- Article 9 Freedom from arbitrary arrest and exile
- Article 10 Right to fair public hearing
- Article 11 Right to be considered innocent until proven guilty
- Article 12 Freedom from interference with privacy, family, home, and correspondence
- Article 13 Right to free movement in and out of the country
- Article 14 Right to asylum in other countries from persecution
- Article 15 Right to a nationality and the freedom to change it
- Article 16 Right to marriage and family
- Article 17 Right to own property
- Article 18 Freedom of belief and religion
- Article 19 Freedom of opinion and information
- Article 20 Right to peaceful assembly and association
- Article 21 Right to participate in government and in free elections
- Article 22 Right to social security
- Article 23 Right to desirable work and to join trade unions
- Article 24 Right to rest and leisure
- Article 25 Right to adequate living standard
- Article 26 Right to education
- Article 27 Right to participate in the cultural life of community
- Article 28 Right to a social order that articulates this document
- Article 29 Community duties essential to free and full development
- Article 30 Freedom from state or personal interference in the above rights

International Recognition of Same-Sex Relationships

Handout #16

From Where You Can Marry: Global Summary of Registered Partnership, Domestic Partnership, and Marriage Laws, *International Gay and Lesbian Human Rights Commission (IGLHRC)* at <http://www.iglhrc.org/site/iglhrc/content.php?type=1&id=91> and *GayLawNews: Partnership/Marriage*, <http://www.gaylawnet.com>

Argentina – (2003) domestic partnership laws have passed in Buenos Aires city and the Rio Negro province, providing same-sex and heterosexual couples rights in areas such as access to health care, pensions, housing, social benefits and conjugal prison visits. June 2003 a similar law was put before the Santa Fe Province legislature. Previous laws include: Pensions (1997), Medical benefits (1998) Partners can claim a widow/er's pension . A union-run health care program for teachers and flight attendants has extended health coverage to domestic partners. Province of Mendoza Medical benefits (1998) A court recognized the common-law marriage of a homosexual couple. The ruling, apparently the first of its kind in Argentina, grants health benefits partners.

Australia– (2001) Common Law Marriage. The state of Victoria changed their opposite-sex terminology to "spouse," "domestic partner" and "partner" in 43 statutes. A Sydney Family Court ruled that a marriage between a woman and a female-to-male (FTM) transgender man was valid despite the fact that the FTM spouse's birth certificate listed him as female.

Belgium– (2003) Law gives homosexual couples most of the same rights as heterosexual ones, notably inheritance rights, although it does not allow them to adopt children. In the case of a lesbian couple, the biological mother will be considered the lone parent of the child or children. The new law will modify Belgium's civil code to include a clause stating that "two people of different or the same sex can contract a marriage." The law does not limit homosexual marriage to Belgian citizens or to people from countries where such marriages are recognised. Previous laws: Flemish regional government's Inheritance tax (1998). Reduction in inheritance tax rate. At present, opposite-sex spouses pay a 2 percent tax while unrelated heirs pay up to 45 percent. Under the 1998 regulation, surviving same-sex partners pay 10 percent.

Brazil– (2002) Case law was made that a partnership solemnized in France was deemed legal in Brazil for immigration purposes; also the surviving long-time partner of the late Cassia Eller was awarded child custody and inheritance rights based on their partnership. Property rights (1998) The Brazilian High Court decided February 11th to grant property rights to surviving partner of gay relationship. Businessman Milton Alves Pedrosa, from Belo Horizonte capital of the Brazilian state of Minas Gerais, won by unanimous decision of the Brazilian High Court the right to half of the estate of his partner who died of AIDS in 1989.

Canada– June, July 2003 Ontario and British Columbia passed same-sex marriage laws, House of Commons to consider federal law in winter 2003-2004. Federal Government: Health and relocation benefits (1996); Job benefits; redefinition of the word "spouse" (1998). A human rights tribunal ordered the Federal government to extend health and relocation benefits to the same-sex partners of federal employees, although the matter of pension benefits remains tied up in the courts. The Canadian Human Rights Act and the Canadian Charter of Rights and Freedoms provide anti-discrimination protections to same-sex couples. Canadian Federal Justice Andrew MacKay ruled that the federal government discriminates against gay employees with its "separate but equal" benefits program for "same-sex partner relationships". Instead, the word "spouse" must be redefined so that gay employees and their partners are included in the regular benefits scheme. MacKay's ruling also granted human rights officials the power to order the Federal Government to rework all laws, regulations and directives that discriminate against same-sex couples in the area of job benefits; Province of Ontario Same-sex couples must be treated as common law couples (1996) The Ontario Court of Appeal ruled in 1996 that same-sex couples must be treated as common law couples under Ontario's Family Law Act. Prov. of British Columbia Child custody and adoption (1997) Legislation recognizes gay and lesbian couples as legal spouses for purposes of child custody, maintenance and access. Same-sex adoption is also granted.

Croatia– (2003) New legislation provides gay partners the same legal rights as their unmarried straight counterparts. The legislation gives same-sex partners of at least 3 years the same rights as unmarried cohabiting opposite sex partners, including the right to legal regulation of property and mutual responsibility for financial support. The move is particularly important in light of the recent Vatican City statement, which called for all gay rights to be revoked and prevented from coming into law, as Croatia is a mostly Roman Catholic country. Additionally, it reflects a general liberal attitude in Eastern Europe's former communist block.

Czech Republic– Per the civil code "common law" (cohabitation-based law) same-sex couples have inheritance and succession rights in housing. A registered partnership law was defeated by parliament in 1999, and should be reintroduced.

Denmark (including Greenland)– passed the first domestic partnership law in 1989 (in 1996 in Greenland), amended 1999. It includes all the rights associated with marriage—including those of property, inheritance, immigration, taxation, and social security-- it does not provide the rights to adopt children who are not related by blood; artificial insemination; or an official state church wedding. Also, one of the partners must be Danish.

European Union– Job benefits can be denied to same-sex partners (1998) A lesbian sued her employer, a British railway company, because her partner was denied travel benefits, which company policy would have bestowed on an opposite-sex partner, even though unmarried. The case reached the European Court of Justice, which rules on issues under the basic treaty of the European Union. There, she argued that the denial of benefits constituted sex discrimination, since they were withheld because her partner was not male. Although European officials initially ruled in her favor, the Court ultimately held that the denial of benefits did not constitute sex discrimination. However, the European Union has since promulgated a new basic treaty, the Treaty of Amsterdam (1997) which includes explicit protections against discrimination based on sexual orientation. Similar litigation under these provisions, if successful, would be binding on all European Union member states.

Finland– (2002) Registered partnership that gives gay couples the same legal rights as married couples but does not recognize gay relationships as marriage nor grant gay couples the right to adopt.

France– (1999) Civil Pact of Solidarity (Pacte Civil de Solidarité, or PACS) A law sponsored by the governing Socialist Party offers a form of legal partnership to people in same- or opposite-sex relationships who cannot or do not want to marry. Immigration, inheritance, and taxation benefits are included; adoption rights are not.

Germany– (2001) Registered partnership. Same-sex couples have a status comparable to marriage. However, adoption and child-custody rights are withheld.

Hungary– (1996) Cohabitation law which applies to both same-sex and different-sex couples The Constitutional Court ruled in 1995 that, while civil marriage was reserved for partners of the opposite sex, existing state recognition of "common-law" marriages--which allowed unmarried opposite-sex couples to claim most of the economic benefits of marriage--had to be extended to same-sex couples. Parliament then revised the law on cohabitation. Under it, same-sex couples can claim all marital rights except access to adoption

Iceland– (1996) Registered partnership; only available to same-sex couples. Based on the Danish act, which includes all the rights associated with marriage—including those of property, inheritance, immigration, taxation, and social security, but does not provide the right to adopt children who are not related by blood; artificial insemination; or an official state church wedding.

Israel– Equal employment benefits for opposite-sex and same-sex partners (1994) The Supreme Court ruled that the airline El Al must provide equal benefits to both the married partners and the same-sex partners of its employees. (Section 2a of Israel's Equal Employment Opportunities Law, as amended in 1992, prohibits employers from discriminating against employees based on their sexual orientation).

Pension rights (1997) A court ruled that the Israeli Defense Force should provide pension benefits to the gay male partner of a deceased officer. The IDF is expected to appeal this decision.

Italy– Pisa, Bologna, and Florence allow same-sex couples to register as domestic partners.

Luxembourg– a same-sex marriage proposal was introduced in parliament in 1996.

The Netherlands – (2001) On April 1 the Dutch law allowing same-sex couples to marry came into force, together with a new law allowing same-sex couples to adopt children. The revolutionary law eliminates the definition of marriage as a union between a man and a woman. The new law doesn't just create a separate partnership arrangement for gays or the possibility of a gay marriage; it opens up of the existing civil marriage for couples of the same sex.

New Zealand– Anti-discrimination protections do not apply to marriage (1997). Three lesbian couples who were denied marriage licenses took their cases to court on the basis of the non-discrimination clause of the country's Human Rights Act. This act specifically prohibits discrimination based upon sexual orientation. However the New Zealand Court of Appeal ruled unanimously against recognizing same-sex couples under the 1955 Marriage Act. They found that marriage is exempted from national human-rights protections. (1998) Labour laws modified to allow leave to care for same-sex partner

Norway– (1993, amended 2000, 2001) Registered partnership; only available to same-sex couples; Based on the Danish act, which includes all the rights associated with marriage—including those of property, inheritance, immigration, taxation, and social security, but does not provide the right to adopt children who are not related by blood; artificial insemination; or an official state church wedding.

Portugal– (2001) Registered partnership. Gives official status to opposite-sex and same-sex couples who do not wish to marry.

South Africa– (2002) A South African Court has ruled the government's failure to include same-sex partners in benefits to surviving spouses violates the constitution. The Constitutional Court ruling responded to a lawsuit brought by Kathleen Sachwell, a judge who lives with her female partner, in a relationship that began in 1986. Judge Tole Madala said the benefits acknowledged reciprocal support between marital partners.

Spain– Province of Catalonia. Domestic partnership for both same-sex and opposite-sex couples (1998). New law provides inheritance and pension rights; job benefits and rights for public employees (e.g., leave to care for partner in the event of illness.) The law entails no adoption rights for same-sex couples; it also offers no shared social security or immigration rights, since these depend on the national government. Registered partnership A registered-partnership bill narrowly failed in 1997; a parliamentary subcommission was appointed to study the issue.

Sweden– (1995) Registered partnership; only available to same-sex couples Based on the Danish act, which includes all the rights associated with marriage—including those of property, inheritance, immigration, taxation, and social security, but does not provide the right to adopt children who are not related by blood; artificial insemination; or an official state church wedding.

Switzerland– Registered partnership. The largest state in the country, the Canton of Zurich, passed a law Sept. 22, 2002, giving gay couples numerous marriage rights. In 2001 the Canton of Geneva passed a law providing for equal treatment of married couples and same-sex or heterosexual registered partners in dealings with the state, except in the areas of taxation, adoption and social security benefits.

Appendix 1: Universal Declaration of Human Rights

Official Version Adopted by the United Nations General Assembly, December 10, 1948

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, **the General Assembly proclaims this Universal Declaration of Human Rights** as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status

of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by the law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. 1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. 2. No one shall be held guilty of any penal offence, under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. 1. Everyone has the right to freedom of movement and residence within the borders of each State. 2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. 1. Everyone has the right to seek and to enjoy in other countries asylum from persecution. 2. This right may not be invoked in the case of prosecution genuinely arising from non-political crimes or from acts contrary to the purpose and principles of the United Nations.

Article 15. 1. Everyone has the right to a nationality. 2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. 1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. 2. Marriage shall be entered into only with the free and full consent of the intending spouses. 3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. 1. Everyone has the right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in a community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. 1. Everyone has the right to freedom of peaceful assembly and association. 2. No one may be compelled to belong to an association.

Article 21. 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. 2. Everyone has the right of equal access to public service in his country. 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. 1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. 2. Everyone, without any discrimination, has the right to equal pay for equal work. 3. Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. 4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. 1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. 2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. 1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on basis of merit. 2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. 3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. 1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. 2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Articles 29. 1. Everyone has duties to the community in which alone the free and full development of his personality is possible. 2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. 3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Further Investigation

A Brief List of Resources

Books & Manuals

Baird, R.M. & Rosenbaum, S.E., *Same-Sex Marriage: The Moral and Legal Debate*, Prometheus Books (1997)

Boswell, John, *Same-Sex Unions in Premodern Europe*, Villard, New York, NY (1994)

Graff, EJ, *What is Marriage For? The Strange Social History of Our Most Intimate Institution*, Beacon Press (1999)

Strasser, Mark, *Legally Wed: Same-Sex Marriage and the Constitution*, Cornell University Press (1998)

National Gay and Lesbian Task Force, *To Have and To Hold: Organizing for Marriage*

Sullivan, A. & Landau, J., *Same-Sex Marriage: Pro and Con*, Vintage Books (1997)

Willhoite, Michael, *Daddy's Wedding*, Alyson Publishers (1996). [This is a book for children, ages 4-10]

Videos

The Freedom to Marry: A Green Mountain View: This video features couples who speak about their lives and the meaning of being denied the freedom to marry. Produced by the Vermont Freedom to Marry Task Force, PO Box 1312 Middlebury, VT 05753.

The Right to Marry: Partners Task Force for Gay and Lesbian Couples: www.buddybuddy.com

Organizations and Web Sites

Family Pride Coalition: www.familypride.org

Freedom to Marry www.freedomtomarry.org

Freedom to Marry Coalition of Massachusetts: www.equalmarriage.org

Gay & Lesbian Advocates & Defenders: www.glad.org

Lambda Legal Defense and Education Fund: www.lambdalegal.org

Lesbian and Gay Immigration Rights Task Force www.lgirtf.org

National Gay and Lesbian Task Force: www.nglhf.org

Partners Task Force for Gay and Lesbian Couples: www.buddybuddy.com