

For Richer, For Poorer

For richer, for poorer, for better or for worse,
in sickness and in health, to love and to
cherish, from this day forward...



The Freedom to Marry
as a Matter of
Economic Justice

For richer, for poorer; for better, or for
to love and to cherish...

Marriage represents the commitment



r worse; in sickness and in health,

t two people in love make to each other.



But did you know federal law provides at least **1,138** tangible protections, **rights**, and responsibilities with marriage — and that doesn't include state and local law, and employers, or the **intangible security, dignity, and meaning** that come with marriage.

Excluding committed couples from marriage means shutting them out of the freedom to legally recognize their love for and commitment to each other, and denying them the protections, rights, and responsibilities that come with marriage.

People across the United States are excluded from the freedom to marry solely because they are in same-sex committed relationships.



Aging same-sex couples face crucial concerns

Can we live in a nursing home together?

Will my family caregivers or legally assigned guardians allow me to see my partner during emergencies?

When I pass, **will my partner lose our house** or even be able to survive financially?

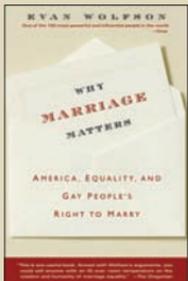
Contrary to right-wing claims that same-sex couples are largely white, male, upper-class citizens, 2000 Census data show same-sex couples are even **more racially diverse than the general population**, come from all types of backgrounds, and live in 99% of the counties in America. As they try and take care of each other and their families, they have the same sets of economic decisions to make as everyone else. But same-sex committed couples experience numerous **economic injustices** directly connected to their exclusion from the protections marriage provides under the law.

MARRIAGE INEQUALITY AFFECTS ALL SAME-SEX COUPLES;

regardless of sex, race, religion, ethnicity, or physical ability. As with most injustices, the effects of marriage discrimination fall particularly hard on those living on the margins: the poor, the less educated, immigrants, children, the elderly, the ill, and those otherwise most vulnerable.

Picture two couples, Ted and Doug, a white couple in their 50s living in a small town in Alabama; and Nicole and Alicia, a black couple in their late 30s living in Chicago's South Shore. Each couple has been together for more than 10 years, and they want to provide for and protect each other and their families.

But they are denied the freedom to marry because they are same-sex couples.



For a full list of the protections denied same-sex couples and their kids, see Appendix B of Evan Wolfson's book, *Why Marriage Matters: America, Equality, and Gay People's Right to Marry*.

Ted and Doug have spent 20 years together, constantly struggling with money. Ted used to work in the coal mines, but lost his job due to health difficulties. Doug was a janitor, but lost his job when he took time off to care for Ted. Ted is still struggling with his health. He is in and out of the hospital, and his doctors say he doesn't have much time left.

Here are just a few of the ways **Ted and Doug experience economic injustice** because they are denied the freedom to marry:

FAMILY LEAVE

Doug lost his job because he was not covered by laws and policies that permit medical leave to care for a sick spouse or for children.

HOUSING

Denied marriage, Ted and Doug are not recognized as a family and thus can be denied or disfavored if they apply for public housing.

In Sickness and in Health. . .

Marriage discrimination hurts real families.



Photo courtesy of Cynthia Wade, Director of

In 2005, after 23 years on the job as a detective for the Ocean County prosecutor's office, Laurel Hester learned that she was dying of lung cancer. She asked the county freeholders to allow her to pass her pension on to her partner Stacie, which would "mean the difference in whether or not she can stay in the house," Laurel



HEALTHCARE

Doug is not considered next of kin for the purposes of hospital visitation and emergency medical decisions for Ted; and Doug can't cover Ted on his health plans, when he does have a job, without paying additional taxes, nor is Ted eligible for Medicare and Medicaid coverage through Doug.

DEATH

Doug will not be entitled to bereavement leave, wrongful death claims, Ted's Social Security or pension, or automatic inheritance from Ted.

explained. Although the couple had registered as domestic partners, and this would have been her automatic right had they been allowed to marry, Laurel's deathbed request was denied. Visibly dying, Laurel went public with her story in the hopes of righting the wrong. Just weeks before her death Laurel finally won the right to pass her pensions on to her partner, but not without having to spend her last days fighting for her civil rights, rather than peacefully spending time with her partner.



Marriage is the gateway to the protections **couples** and **families need to stay healthy, safe and secure.**



“Children deserve to know that their relationships with both of their parents are stable and legally recognized. **This applies to all children, whether their parents are of the same or opposite sex.”**

—The American Academy of Pediatrics

Nicole and Alicia met in college and have been together for 11 years. Nicole is a lawyer and Alicia is a teacher.

Alicia's sister died two years ago, leaving her two children, Tanya and Malik, under her care. Nicole wants to adopt Tanya and Malik, in order to strengthen their bond as a family and protect her relationship to the children in both good times and bad.

Here are just a few of the ways Nicole, Alicia, and their family experience economic injustice because they are denied the freedom to marry:

PARENTING

Nicole and Alicia are denied the automatic right to joint parenting, joint adoption, visitation for non-biological parents, the guarantee of child support, and automatic legal relationship to both parents. The couples and their kids are sent a negative message about their own status and family.

TAXES

Nicole and Alicia cannot file joint tax returns and are excluded from tax benefits and claims specific to marriage. In addition, they are denied the right to transfer property to one another and pool the family's resources without adverse tax consequences.

INHERITANCE

In the event of the death of either Nicole or Alicia, the other is left to pick up the pieces without the ability to automatically inherit property should their loved one die without a will.

DIVORCE

Nicole and Alicia are denied access to the courts, and to agreed-upon legal structures or guidelines to protect the weaker party, and the kids, in times of break-up. They are shut out of the rules for how to handle shared property, child support, custody, and alimony.



The percentage of **African American same-sex couples**, aged 22-55, who head households with children, is double the percentage of African American **married** couples, aged 22-55, with children at home.

[Williams Institute, Same-sex couples and same-sex couples raising children in the United States, September 2005]

MARRIAGE PROTECTS THE ECONOMIC INTERESTS OF CHILDREN

by providing an economic safety net to their families, and the kids themselves.

Across the United States, **more than 39% of same-sex couples aged 22-55 are raising children**— as many as several million, experts estimate. Additionally, same-sex parents have almost \$12,000 less in average household income than different-sex parents.

[Williams Institute, Same-sex couples and same-sex couples raising children in the United States, September 2005]



The percentage of **Hispanic same-sex couples**, aged 22-55, who have children at home is seven percent (7%) more than the percentage of **married** couples who are Hispanic, aged 22-55 with children in their household.

[Williams Institute, Same-sex couples and same-sex couples raising children in the United States, September 2005]

Carmen and Anisia Machado have been together for over 30 years. “We were next door neighbors since grade school, we always liked each other and got along,” says Carmen of their meeting.

“Our parents and families tried to keep us apart but somehow we survived it all.” Despite Carmen’s commitment as an employee of the city, she can’t cover her partner on her health insurance. Anisia, therefore, has no health benefits. Fortunately, their two daughters, howev-



No child should have his or her opportunity for a brighter future put at risk because the loving and committed couple raising them is excluded from the freedom to marry.

Carmen and Anisia Machado a family story

er, are covered under Carmen's health insurance.

"We are a family in every way possible," says Carmen. **"Our two beautiful daughters deserve all of the benefits that all other children in this great country enjoy, and that is to have married parents. The legal and civil rights enjoyed in the United States by ALL Americans are presently denied to us. . . Aren't we American?"**





Beyond legal and economic concerns

Marriage, of course, is not the only form of relationship or family deserving respect, and not every same-sex couple should or would choose to marry, just as not every heterosexual does.

But same-sex couples doing the work of marriage and caring for the loved ones and kids in their lives should not be denied the commitment and security of marriage under the law. Nor should their children and families suffer the economic hardships and disadvantages that come with exclusion from marriage.

Beyond legal and economic concerns, ending marriage discrimination is a matter of simple justice, equality, the pursuit of happiness, and love. Allowing same-sex couples to marry in no way destabilizes or devalues mar-

riage for other couples, nor does it tell any religion or person what marriages they must themselves celebrate.

Ending discrimination in marriage properly holds America to its commitment to be a country where everyone has the right to be both different and equal - and where **no one has to give up her or his difference to be treated equally.**

Above & beyond legal & economic concerns, marriage means:

PLAN

Planning your family's future. From college funds to elder care, marriage discrimination weakens families.

KEEP

Keeping families together. Marriage inequality literally separates loving couples and families. U.S. residency and family unification are not available to a same-sex partner from another country. More than 70,000 individuals, and countless family members, are affected by such discrimination.

CALL

Calling a family what it is: a family. Ending the exclusion of same-sex couples and their kids affords them the intangible benefits which come from access to the language of marriage - a language understood by all.



Gay & non-gay people alike are speaking out for fairness and taking action.

How can you **add your voice** to the conversation?

GET ACTIVE! G

TALK TO YOUR NEIGHBORS.

Educate yourself.

GET TO KNOW YOUR LOCAL AND STATE POLITICAL ADVOCACY ORGANIZATIONS.

Contact the leaders of groups of which you are a member. Write a newspaper, magazine, TV station, radio station or other media outlet.

CREATE A VISIBILITY EVENT.

Visit www.freed to learn more about how to get enga



GET ENGAGED!

Tell your own story.

Contact your elected representatives.

**Talk to your religious leaders
about how to engage your
faith community.**

Host or sponsor
a house party.

HOST OR SPONSOR A FAMILY PICNIC.

omtomarry.org
ged and sign the marriage resolution

FOR RICHER

“[Marriage] matters a big deal financially. It’s not right that somebody like me, who has millions of dollars, that upon my death, my significant other is going to have to lose 50 percent of that to estate taxes. Why should I be punished? I have worked so hard to earn every penny that I’ve earned. Why should that happen?”

— *Financial guru Suze Orman on why marriage matters to her and partner Kathy Travis.*

FOR POORER

“Without marriage, same-sex couples are left vulnerable or left scrambling to cobble together a patchwork of legal documents that still don’t provide them with the security and protections their families need.”

— *Sandra Telep, Community Organizer, Pride at Work / AFL-CIO*



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