

**North Pacific Yearly Meeting
Background for
Minute on Legal Recognition of Same-sex Marriage
July 19, 1997**

WHY LEGALLY RECOGNIZE SAME-SEX MARRIAGE?

While the Defense of Marriage Act (DOMA) was being debated in the fall of 1997 in the U.S. Congress, Representative Steve Gunderson (R-Wis) requested a study of what civil marriage means under federal law. The congressional General Accounting Office undertook this study and identified 1,049 federal laws in which marital status is a factor. Laws which outline the rights of husbands and wives, widows and widowers, affect such services as social security, disability, housing and food stamps. The study found fifty-nine provisions of federal income tax law affected by a taxpayer's marital status. Employment benefits allowing employees to care for an ill spouse and receive survivors benefits, should that spouse die as a result of the job, are dictated by law. Immigration laws permit only those legally married to immigrate as a family.

Providing this kind of support to families and couples is of such value that our society has created vast numbers of laws to protect them. This kind of protection is afforded only to those legally married. Families of gay and lesbian couples who are denied civil marriage are denied these benefits and protections. A few examples will illustrate the effects of this discrimination.

Several years ago a gay man carried his dying partner into a Bozeman, Montana, hospital and was never allowed to see him again. A gay man in Great Falls, Montana, and his partner in Calgary, Alberta, Canada held a religious ceremony ten years ago but the Canadian has been unable to get a working visa to the US so their relationship has been sustained by telephone calls and infrequent visits. A Pennsylvania lesbian, dying of cancer, signed extensive documents in an effort to assure legal rights for her life partner. One request in those documents was that her headstone would read "Beloved life partner, ... " As is so often the case, the legal documents did not prevail over the wishes of the cancer victim's parents and her grave is currently unmarked.

WHY NOW?

In the last few years there has been a flurry of activity around the issue of same-sex marriage, primarily because three same-sex couples challenged the current Hawaii state law which prohibits their marriage. They cited discrimination under the state's Equal Rights Amendment. On December 3, 1996, Hawaii Circuit Court Judge Kevin Chang ruled that the government had failed to show a single compelling reason for denying lesbian and gay couples the freedom to marry and the suit is back in the Hawaii Supreme Court. In light of this case, many states have considered laws and/or constitution amendments to ban same-sex marriage, refuse recognition of such and/or restrict marriage to heterosexual couples. A referendum is scheduled in Hawaii.

Idaho and Montana have passed bans. In Oregon such a bill died in committee. In Washington, three anti-gay marriage bills were introduced in the last legislative session.

Two bills failed; the other was vetoed by Governor Locke. More bills are expected next year.

At the federal level, Congress passed DOMA which bars federal recognition of any same-sex marriage which might be legalized in any state.

The news is not all negative. Both Washington and Oregon include sexual orientation in their hate-crime bills. Montana's Supreme Court ruled on July 3, 1997, that the state sodomy law was unconstitutional. In Washington, while there have been anti-gay marriage bills proposed, there have also been bills proposed to legalize gay and lesbian marriages. It is clear that there will continue to be opportunities for Friends to witness for the truth that we have found to our respective legislatures.

QUAKER ACTIONS WITHIN NPYM

In 1992, NPYM approved two minutes, one supporting same-gender relationships, advocating that meetings use the same language and process that they use for heterosexual relationships and one endorsing civil rights of sexual minorities. In 1994, NPYM approved a minute in which we challenged ourselves to support gays and lesbians and to nonviolently challenge those who are hostile.

Some Meetings in NPYM have already approved support for legalizing same-sex marriages. In 1991, Olympia Friends Meeting passed a minute in support of the religious and the civil recognition of same-sex marriage. In 1992, both Walla Walla and Pullman-Moscow issued public statements supporting civil and constitutional rights of all persons. This year, both University Friends Meeting and Montana Gathering of Friends sent letters to their respective legislatures expressing support for civil marriage.

OTHER QUAKER ACTIONS

Pacific Yearly Meeting approved a minute supporting civil marriage for same-sex couples at its Annual Session in August, 1996. The American Friends Service Committee filed an Amicus Brief in the State of Hawaii in November, 1996. In a letter to Friends explaining this action, they stated that to restrict the benefits of marriage to opposite-sex couples is a form of legalized discrimination. Both Pacific Yearly Meeting and the AFSC Board were prompted to this witness in faithfulness to the Quaker testimony on equality. Civil rights should not be denied to anyone.