

Discrimination is not an American Value

By John A. Knight*

Justin is a typical ten-year-old boy – he recently finished fourth grade and is anxious for summer vacation. In the past, Justin attended a summer day camp. This year, he wanted to stay home with his mother and new baby sister – as his cousin had done when her mother had a new child.

Unfortunately, Justin's plans were not as simple. Justin's mother, Kathy, is a lesbian, involved in a committed loving relationship with another woman, Whitney. While the parents of Justin's cousin could be certain that insurance coverage for the entire family would continue while the mother took leave to spend time at home with a new child, Justin's parents could not. The decision about when Kathy could return to work were guided by the determination of Whitney's insurance company about whether Kathy and their children could be covered under Whitney's health insurance.

Justin's story is not unusual. Like most parents, lesbian and gay male couples make many personal sacrifices to be able to spend time with and provide for their children. These burdens are increased by the inability of lesbian and gay male couples to qualify for the benefits of marriage. Rather than address these hardships, Congress is considering an amendment to the United States Constitution that would write this kind of discrimination against lesbian and gay male couples into the Constitution. Federal benefits related to marriage are already denied lesbian and gay male couples. The proposed amendment also severely limits individual states' authority to protect these families. It may also put at risk the many lesbian and gay male couples whose families already are protected by marriage, civil unions or domestic partnerships.

The decision by the Massachusetts Supreme Judicial Court to end discrimination in that state's marriage laws generated calls, supported by President Bush, for adoption of a constitutional amendment that would "define" marriage as being only between a man and a woman. Proponents of the Federal Marriage Amendment make a number of arguments, including suggesting the Massachusetts decision threatens religious traditions that do not recognize same sex unions.

This is not true. Government policy regarding civil marriage has no impact upon religious denominations' policies. Religions are free now – and would remain free – to recognize (or not) any marriage. While religious leaders from some denominations have been the most vocal opponents of recognizing same sex marriages, other religious denominations already bless and sanctify these relationships. No local, state or federal government action can compel a church or denomination to perform marriage ceremonies for same-sex couples.

Rather than some mythical discrimination against religious denominations, the issue at the heart of this debate is discrimination against gay families and gay couples across America. Current law conveys special rights and privileges on married couples. Married couples automatically receive important health and pension benefits, inherit assets from a deceased partner, visit a loved one in the hospital and participate in health care decisions for a spouse no longer able to make competent decisions. These current laws, however, deny these basic rights that affect everyday decisions to the hundreds of thousands of gay and lesbian couples across the nation living in loving relationships.

Many gay and lesbians protect our communities as firefighters or police officers and protect our nation by their service in the military. Can we really ask millions of Americans to risk their lives to make our society more secure, yet tell them that they can be denied the right to visit their long-term partner when he or she is critically ill?

Debate over discrimination in our marriage laws is not new. There was a time in the not too distant past when the right to marry was denied to others, not simply those who are gay or lesbian. We look back with incredulity at the time when states did not allow marriage between Catholics and Protestants, or between African Americans and whites. The Supreme Court of the United States ultimately struck down these laws, recognizing that every person has the right to make the personal decision about whom they will marry without interference by the government. As these barriers fell, some lamented the change in the “traditional” definition of marriage. Yet no one moved to change the Constitution in order to determine what marriages the several states could recognize and which ones they had to deny recognition. Instead, these old, discriminatory barriers were removed – and millions of people now enjoy the benefits of marriage.

Gay men and lesbians, however, continue to be singled out for discrimination in their relationships. And, when one state determines that it will change its own laws to address this historic discrimination, some seek to change our Constitution to write discrimination into that sacred document for the first time.

Now, because of timing driven by politics and the hope of creating a “wedge” issue for the November election, the Senate leadership will bring the Federal Marriage Amendment to a vote. They may succeed in sowing and spreading confusion and disappointment in the lives of children like Justin, who are denied benefits because the parents who love and care for him are lesbians. The proponents of the Federal Marriage Amendment will not, however, change the human emotion that leads humans to become a couple. Committed, loving relationships require sharing, trust, honesty and devotion, not the permission of a government. The human bond forged in an intimate relationship is not affected by the gender or sexual orientation of the couple involved.

The discriminatory Federal Marriage Amendment also runs against the course of American history. Americans are decent, compassionate and fair people. Although imperfect, we have worked throughout our history to extend basic rights and protections to all persons. The American people will see this effort to deny lesbians and gay men the rights and responsibilities of marriage for what it is – a misguided attempt to write discrimination into our Constitution – and will comprehend the harm it inflicts on Justin and many other loving families.

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