



HUMAN  
RIGHTS  
CAMPAIGN

Dallas/Fort Worth HRC Steering Committee  
P.O. Box 191153  
Dallas, Texas 75219  
Contact: Media Inquiries: Sally O'Connor  
Cell: 817-228-2695

## The FACTS

On May 21, 2003, Rep. Marilyn Musgrave, R-Colo., and five co-sponsors introduced H.J. Resolution 56, a resolution to amend the U.S. Constitution to define marriage as between a man and a woman.

### **The proposed constitutional amendment states:**

*Marriage in the United States shall consist only of the union of a man and a woman.  
Neither this [C]onstitution [n]or the constitution of any state, nor state or federal law,  
shall be construed to require that marital status or the legal incidents thereof be  
conferred upon unmarried couples or groups.*

The U.S. Constitution has been expanded through time to ensure individual liberty and personal freedom. Amendments have abolished slavery, granted women the right to vote and allowed 18-year-olds serving in the military to cast their vote. **No amendment has ever restricted the rights of a group of people.**

Since the Bill of Rights (amendments 1-10) was ratified in 1791, the Constitution has only been amended 17 times. Those amendments have overwhelmingly been used to expand rights. For example, fully seven of those 17 amendments expand the franchise – the right to vote (amendments 14, 15, 17, 19, 23, 24 and 26).

America's leading constitutional and legal scholars have cautioned against amendments like this one, saying that "[t]he Constitution's unifying force would be destroyed if it came to be seen as embodying the views of any temporarily dominant group. It would be a cardinal mistake to amend the Constitution so as to effectively "read out" of our foundational charter any segment of our society." – From "Great and Extraordinary Occasions: Developing Guidelines for Constitutional Change," a publication of Citizens for the Constitution.

### **On Marriage**

Marriage is about two adults making a personal commitment and taking on responsibilities and obligations for each other. Two adults who make this personal choice to form a life-long commitment should not be denied the right to marry just because they are gay or lesbian.

Gay and lesbian Americans are your neighbors. They pay taxes and make valuable contributions – serving as firefighters, in the military, as emergency room doctors – and work just as hard as every American. Denying them the right to marry takes legal rights away from them and their children – including the right to visit a loved one in the hospital, to Social Security survivor benefits, to take time to care for a sick family member without worrying about losing their job, to continued health insurance upon the loss of a job, and more than 1,000 other legal protections, benefits and obligations.

Churches and other religious institutions will never be required to perform ceremonies with which they disagree. This will not change, even without a constitutional amendment. A marriage license is a government-issued contract.

No longer denying the right to marry to gay and lesbian couples would have no effect and take nothing away from other marriages. It would only end the unfairness and discrimination facing some Americans.

We look back almost disbelieving that not long ago many Americans opposed marriage between Catholics and Protestants, between blacks and whites. Laws have changed over time to ensure individual liberty and freedom without the sky falling. Unfortunately, our laws continue to deny the basic right to marry to two adults just because they are gay or lesbian.

### **On Marriage vs. Civil Unions**

While a step forward in ensuring equality, civil unions are not equal to marriage – they do not provide the same protections, rights, and benefits as marriage. It is not fair to deny the full protections of marriage to people who take on all of the responsibilities and obligations of marriage as many committed gay and lesbian couples do.

Civil unions provide only the state-level legal protections provided by marriage. **There are 1,049 rights**, benefits, and protections that are provided to married couples by the federal government that would not be available to couples that are in civil unions, such as Social Security survivor benefits.

### **Why Aren't Civil Unions Enough?**

Comparing marriage to civil unions is a bit like comparing diamonds to rhinestones. One is, quite simply, the real deal; the other is not. **Consider:**

Couples eligible to marry may have their marriage performed in any state and have it recognized in every other state in the nation and every country in the world.

Couples who are joined in a civil union in Vermont (the only state that offers civil unions) have no guarantee that its protections will even travel with them to neighboring New York or New Hampshire – let alone California or any other state.

Civil unions are not recognized under the laws of other states and only available in Vermont. For example, a Vermont couple in a civil union who traveled out of state would not always be able to visit each other in the hospital or make medical decisions for each other in case of an emergency. Married couples do not face these difficulties.

Children being raised by gay and lesbian parents, like all children, need and should have the fullest opportunity to grow up in a secure, protected family unit. Marriage provides important safeguards for parents and their children, such as the ability to make medical decisions in emergencies. If their parents are not married, these children do not have the same rights and protections that other children have, as these rights are not included in civil unions.

In short, civil unions are not separate but equal – they are separate and unequal. And our society has tried separate before. It just doesn't work.

### **Marriage:**

- State grants marriage licenses to couples.
- Couples receive legal protections and rights under state and federal law.
- Couples are recognized as being married by the federal government and all state governments.
- Religious institutions are not required to recognize marriages or perform marriage ceremonies.

### **Civil Unions:**

- State would grant civil union licenses to couples.
- Couples receive legal protections and rights under state law only.
- Civil unions are not recognized by other states or federal government.
- Religious institutions are not required to recognize civil unions or perform civil union ceremonies.

*The Human Rights Campaign is the largest national lesbian and gay political organization with members throughout the country. It effectively lobbies Congress, provides campaign support and educates the public to ensure that lesbian, gay, bisexual and transgender Americans can be open, honest and safe at home, at work and in the community.*