



Western PA Freedom to Marry Coalition

About the issue of marriage for same-sex couples

- ☆ **Marriage is a stabilizing influence in our society.** It promotes family and family values. Marriage is how our society extends the rights, benefits and responsibilities to committed couples in long-term relationships.
- ☆ **Gay and lesbian couples are denied significant benefits** in the area of property and inheritance rights, legal standing, insurance and employment, and taxation because they cannot enter into state-sanctioned civil marriage.
- ☆ A Hawaiian Commission created to study marriage for same-sex couples concluded that **there are no reasons to deny marriage** to these couples, and **significant reasons to extend the benefits of marriage** to them. These reasons include the right to be free from discrimination and to equal protection of the law.
- ☆ **Civil marriage is not religious marriage.** The separation of church and state protects religious denominations that disapprove of same-sex marriages from having to perform or recognize them. Just as some religions now don't recognize civil divorce, no religion can be forced to recognize marriages that go against their teachings.

About SB 434

- ✓ **SB 434, as amended, is unnecessary and costly.** No state currently performs marriages for same-sex couples. No county in Pennsylvania will issue a marriage license to a same-sex couple. There is no pending litigation in Pennsylvania on this issue. If, in the future, some state should begin to issue marriage licenses to same-sex couples, the state courts will decide whether or not these marriages must be recognized. This legislation, if passed, guarantees that municipalities, corporations and individuals in Pennsylvania will face expensive litigation when these laws are challenged.
- ✓ **SB 434 lacks a legitimate foundation in public policy.** State policies that encourage monogamous marriage decrease the spread of sexually-transmitted diseases and can improve mental health by providing stable emotional support. They are also consistent with state interests in protecting freedom of religion, protecting civil rights, and granting equal protection under the law. This legislation targets gays and lesbians and runs counter to these positive public policy concerns.
- ✓ **SB 434 would create a logistical nightmare for married couples.** America is not a country where legally-married couples need to get a *marriage visa* stamped every time they cross a state border. The Pennsylvania Supreme Court wrote, "Specifically regarding conflicts as to recognition of marital status, there is a strong policy favoring uniformity of result. In an age of widespread travel and ease of mobility, it would create inordinate confusion and defy the reasonable expectations of citizens whose marriage is valid in one state to hold that marriage invalid elsewhere."¹
- ✓ **SB 434 would create a legal nightmare.** Imagine if married couples had to worry if their right to make medical decisions for each other, or if their spousal medical insurance was in-force simply because they came to Pennsylvania. How will companies be able to maintain coherent personnel policies if their offices are required by conflicting state laws to treat the same employee differently depending on the state where he or she is working? This anti-marriage legislation is counter to the established legal rules, rights and responsibilities of marriage.
- ✓ **SB 434 dangerously mixes religion into the business of the state.** Religions and philosophies differ with regard to the moral imperatives they either condemn or condone. While some find same-sex unions repugnant, others embrace and sanctify them. If the moral position of some is enshrined as a legal prohibition against marriage for same-sex couples, what other moral positions can be enacted into law? Should the state allow adulterers to remarry? Should procreation be a requirement for a married couple?

¹ re Estate of Lenherr (455 Pa. at 229-30, 314 A.2d at 258 (1974))