CANDIDATES’ GUIDE

HOW TO SUPPORT MARRIAGE EQUALITY
AND GET (OR STAY) ELECTED

FREEDOM
TO MARRY
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Americans are hungry for, and respect, candidates who stand up for what they believe. When addressing the inevitable questions on marriage equality, candidates should be authentic and direct about their values and the policies of fairness that flow from them.

Candidates should support the freedom to marry not just because it is the right thing to do, but because it is also in their interest to do so. No candidate for office will be able to ignore the national conversation about fairness for all families. Candidates ought to explain simply and definitively that they support protecting all families. Evidence from election results and public opinion research confirm that candidates can vote right on ending discrimination in marriage and survive, indeed thrive.

By standing on clear principle, making the case for ending exclusion, and throwing the challenge back at opponents, strategies all clearly laid out in this Guide, candidates will reinvigorate the discussion about the basic American values of fairness and equality, our shared aspirations for a secure family life, and the pursuit of happiness — and get elected to do the job.
STANDING FOR VALUES:
How Do I Support the Freedom to Marry?

The truth is that generally pro-equality candidates will never be anti-gay enough to quiet opponents. Leaders who don’t support marriage fail in both directions: embracing the separate, unequal, and ultimately unworkable patchwork of civil unions while running from their declared commitment to fairness and equality.

Here is how to answer questions on the freedom to marry and same-sex couples:

• I recognize and value the dignity and worth of all families. I believe in marriage and the good it offers society, and respect those who accept the commitment, protections, and responsibilities of marriage. Allowing same-sex couples to share that commitment does nothing to diminish my marriage with my (wife/husband).

• Freedom of religion means that churches, synagogues, mosques, and other religious institutions may decide whether to marry any particular couple. But a democratic and constitutional government should not discriminate as to which couples get a marriage license. Government should not be putting obstacles in the path of people seeking to care for their loved ones, nor should government create unequal classes of citizens.

• America is strongest when we support all our people equally and build strong communities. Because I believe in fairness for all American families, I support the responsibilities and security of marriage for same-sex couples willing to take on that commitment.

• I disagree with those who would use this question to divide the American people. The majority of Americans believe in equal rights and protections for their fellow citizens, and so do I.

“I think what made me change my mind, I looked up one day and...I decided I was wrong. That our society has an interest in coherence and strength and commitment and mutually reinforcing loyalties, and if gay couples want to call their union marriage...I think it’s a good thing.” — Former President Bill Clinton ¹
**MAKING THE CASE:**

Why Does Ending Exclusion from Marriage Matter?

**Marriage provides protections and responsibilities,** such as access to health care, parenting and immigration rights, social security, veterans and survivor benefits, and transfer of property. Excluding committed couples and their families from marriage means that the government is denying them the protections and responsibilities that come with marriage.2

**Marriage is part of the American promise.** As defined by the United States Supreme Court in *Loving v. Virginia*, “The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men.”3 Every American deserves fair treatment under the law and the right to life, liberty, and the pursuit of happiness, the very rights our country was founded on.

**There’s no substitute for marriage.** While civil unions and domestic partnerships represent significant advances toward recognition of same-sex relationships, they are not a substitute for the freedom to marry, and the dignity and respect marriage provides families. 4

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*Not my constituency or concern?*

Same-sex couples are found in all Congressional districts in the United States, and in every county across the country. Marriage discrimination affects same-sex couples everywhere, as well as their families, friends, neighbors, coworkers, school districts, and communities.5

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“How two years ago, I believed that civil unions were a fair alternative. Those beliefs, in my case, have since changed. The concept of a “separate but equal” institution is not something that I can support.” — Mayor Jerry Sanders, R- San Diego, CA during a press conference he held to announce his support for the freedom to marry, after which Mayor Sanders was re-elected for his second term as Mayor.6
WINNING ELECTIONS:
If I Support the Freedom to Marry, Will I Get Elected?

Public opinion shows that people are ready for pro-marriage candidates.
A strong majority (72%) of Americans would not vote against presidential candidates who are strong supporters of marriage for same-sex couples, according to an August 2008 Time Magazine poll of likely voters nationwide. 7

Pro-marriage legislators win elections.
American voters are in search of leadership. When political candidates show that leadership, even by taking a controversial stand, their honesty and integrity are rewarded on Election Day:

• To date, every state legislator who has voted to support the freedom to marry, and run for re-election, has won; 8

• Legislators who voted to establish marriage equality in their state’s lower house and sought higher office all won; 9 and

• Not one of the 670 legislators from 17 different states lost re-election because of voting against a discriminatory anti-gay amendment. 10

People are grappling with the question of ending discrimination in marriage. The public is more and more supportive of marriage equality, which they consider to be inevitable, and young people already strongly support it, as do other demographics and various state majorities. The trends confirm that candidates can take a stance for supporting marriage and win.

• Even political leaders who evolve do well. State legislators who evolved their position from opposing to supporting the freedom to marry in Massachusetts had a 100 percent re-election rate. 11

“The night I took the vote in June, I was told I would never be elected again. I’m running unopposed.” — Rep. Teresa R. Sayward, R-North Country, NY describing her experience with voting for a marriage equality bill in 2007 and getting re-elected in upstate New York in 2008 12
DEBATE PREPARATION:
What About the Opposition and Their Arguments?

Opponents of ending discrimination in marriage use scare tactics and play on people’s uncertainties about change to perpetuate inequality. Their claims against marriage equality do not hold up. Here is why:

CLAIM: Civil union, domestic partnership, or other non-marriage alternatives for lesbian and gay couples are good enough.

FACT: Civil unions and domestic partnerships are a second-class status, and when people take on all the commitments and responsibilities of marriage they should not be treated like second-class citizens. These legal mechanisms don’t provide the same security as marriage. They exclude people from marriage and create an unfair system that often does not work in emergency situations when people need it most. The only way to achieve equality is to provide the freedom to marry for all committed couples. Despite their inequality, some states are creating these legal mechanisms to recognize gay couples. While this does show progress and provides same-sex couples with important responsibilities and protections previously withheld, these alternative mechanisms are being repealed in states with the longest experience with them because they are found unequal to marriage.

CLAIM: Marriage is a religious institution, and ending the exclusion of same-sex couples from marriage would violate religious liberties.

FACT: No church or clergy would be compelled to marry any couple, including gay couples (just as they need not allow divorced people to remarry, or perform a wedding of an interfaith couple, if they choose not to). At issue here is the freedom to marry — a legal right and a legal status regulated by the government and entailing protections and responsibilities for the safety and security of families. Every year, at least 40 percent of heterosexual couples in the United States who get married do so without a church, synagogue, mosque or religious ceremony. The First Amendment plainly protects the right of people of faith to decide on religious marriage rites according to their own beliefs and traditions, but it also rightly bars religious interference in who gets a marriage license from the government.

“…[It] cannot be argued that marriage between people of the same sex is un-American or threatens the rights of others. On the contrary it seems to me that denying two consenting adults of the same sex the right to form a lawful union that is protected and respected by the state denies them two of the most basic national rights affirmed in the preamble of our declaration of independence — liberty and the pursuit of happiness.” — Steve Schmidt, a prominent Republican consultant and the architect of the John McCain Presidential campaign.
CLAIM: Marriage exists to promote procreation.

FACT: Gay and non-gay people have the same mix of reasons for wanting to marry. For many these include parenting, for many others not. Millions of non-gay married Americans are in non-procreative marriages (think of Bob and Elizabeth Dole, or George and Martha Washington). At the same time, across the United States, more than 39 percent of same-sex couples aged 22-55 are raising children. It makes no sense to punish these children by withholding the structure of marriage from their parents. Even U.S. Supreme Court Justice Antonin Scalia conceded the weakness of the procreation argument in *Lawrence v. Texas*, and the prestigious American Academy of Pediatrics, in February 2002, issued a strong call for full legal recognition of same-sex relationships.

CLAIM: Letting gay and lesbian couples marry would weaken the institution of marriage.

FACT: Inclusion strengthens the institution of marriage. Most Americans believe — and anti-gay groups concede — that marriage promotes stability, fidelity, and community; why would that not be true for same-sex couples as well? We’ve seen in Massachusetts and California, among other places, that gay men and lesbians do not use up all the marriage licenses, nor does ending exclusion discourage any non-gay couple from entering into their own loving, committed relationships. Canada, Spain, Belgium, the Netherlands, South Africa, and Norway, too, show that societies can accord equality without the sky falling.

“For a long time I’ve personally felt that we are doing a grave injustice for people throughout this country by denying equality to gay and lesbian individuals.” — Ted Olson, the U.S. solicitor general from 2001 to 2004 under President George W. Bush who filed a case to end discrimination in marriage.
CLAIM:
“Homosexual marriage will be taught in the public schools – whether parents like it or not.”

FACT:
Schools should be safe havens, where children learn and can be accepted. Ending the exclusion of same-sex couples from marriage is not about schools or curriculum, but about whether committed same-sex couples can join in marriage. Marriage equality protects children. It guarantees the children of same-sex couples all of the rights and protections that marriage grants automatically to a married couple’s children.

The freedom to marry also upholds shared values such as respecting all people and treating them with dignity despite differences. That’s what schools are already teaching, and marriage equality won’t change those important lessons. Marriage equality supports strong families which means stronger communities for all.

Such claims are simply trying to divert attention away from the central issue which is to make sure that all couples and families are treated equally — that’s what the freedom to marry is about.

With the tools presented in this guide, fair-minded political leaders should embrace their values, find their voices, and make the case for marriage equality. Ending the exclusion of same-sex couples from marriage is the clear and correct answer to the question of how to achieve equality. What’s more: it is achievable. The American people want leaders who aren’t afraid to lead and hold to their convictions in support of equality and fairness.

Candidates who say they want equality (and the votes of those who believe in equality) should be prepared to live up to their values and lead the way.

For endnotes, log on to: http://freedomtomarry.org

“I think that freedom means freedom for everyone...I think people ought to be free to enter into any kind of union they wish. Any kind of arrangement they wish.” — Former Vice President Dick Cheney