

# Bill as Introduced

HB 791-FN - AS INTRODUCED

2007 SESSION

07-0892  
09/01

HOUSE BILL            **791-FN**

AN ACT                relative to religious freedom and civil marriage.

SPONSORS:            Rep. Baxley, Merr 6; Rep. Morrison, Belk 2; Rep. Butler, Carr 1; Rep. DeChane, Straf 3; Rep. Lasky, Hills 26

COMMITTEE:          Judiciary

---

ANALYSIS

This bill removes the marriage prohibition for same gender couples and makes references to marriage and terms associated with marriage gender neutral.

The bill also establishes that no religious official shall be required to solemnize any marriage in violation of his or her constitutional right to free exercise of religion.

---

Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seven*

AN ACT relative to religious freedom and civil marriage.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1 1 Marriages Prohibited; Men. Amend RSA 457:1 to read as follows:
- 2 457:1 Marriages Prohibited; Men. No man shall marry his mother, his father’s sister, mother’s
- 3 sister, daughter, sister, son’s daughter, daughter’s daughter, brother’s daughter, sister’s daughter,
- 4 father’s brother’s daughter, mother’s brother’s daughter, father’s sister’s daughter, **or his** mother’s
- 5 sister’s daughter~~[, or any other man]~~.
- 6 2 Marriage Prohibited; Women. Amend RSA 457:2 to read as follows:
- 7 457:2 Marriages Prohibited; Women. No woman shall marry her father, her father’s brother,
- 8 mother’s brother, son, brother, son’s son, daughter’s son, brother’s son, sister’s son, father’s brother’s
- 9 son, mother’s brother’s son, father’s sister’s son, **or her** mother’s sister’s son~~[, or any other woman]~~.
- 10 3 New Section; Solemnization of Marriages; Religious Officials Not Required to Solemnize Any
- 11 Marriage. Amend RSA 457 by inserting after section 37 the following new section:
- 12 457:37-a No priest, minister, or rabbi of any religious denomination, and no official of any
- 13 nonprofit religious institution authorized to solemnize marriages, shall be required to solemnize any
- 14 marriage in violation of his or her right to free exercise of religion guaranteed by the First
- 15 Amendment to the United States Constitution and by part 1, article 5 of the New Hampshire
- 16 constitution.
- 17 4 New Section; Statutory Construction; Spouse. Amend RSA 21 by inserting after section 50 the
- 18 following new section:
- 19 21:51 Spouse. “Spouse” means a party to a marriage.
- 20 5 Marriage Registration Forms. Amend RSA 5-C:41 to read as follows:
- 21 5-C:41 Marriage Registration Forms.
- 22 I. There shall be 2 forms for the completion of a marriage registration. The marriage
- 23 application worksheet, which shall be the form that is used to record marriage intentions, shall be
- 24 completed by the prospective ~~[bride and groom]~~ **parties to the marriage** and the clerk of the town
- 25 or city and shall contain the information needed to complete the marriage license. The marriage
- 26 license, which shall be the form that is used to record that the marriage ceremony has taken place
- 27 and to record who solemnized the marriage, shall be completed by the ~~[bride, groom]~~ **parties to the**
- 28 **marriage**, the officiant and the clerk of the town or city in accordance with this section and RSA 5-
- 29 C:42. The marriage license shall be the official copy of the certificate of marriage when the marriage
- 30 is registered with the division.

1 II. The marriage application worksheet shall be completed by the prospective [~~bride and~~  
 2 ~~groom~~] **parties to the marriage** in the office of the clerk of the town or city. The information  
 3 supplied by [~~the groom~~] **each party to the marriage** shall include his *or her* full name; his *or her*  
 4 usual residence by street and number, city, town or location, county and state; his *or her* birthplace;  
 5 his *or her* date of birth; his *or her* social security number; his *or her* father's full name; his *or her*  
 6 father's birthplace; his *or her* mother's maiden name; and his *or her* mother's birthplace[~~—The~~  
 7 ~~information supplied by the bride shall include her full name and maiden surname, if different; her~~  
 8 ~~usual residence by street and number, city, town or location, county and state; her birthplace; her~~  
 9 ~~date of birth; her social security number; her father's full name; her father's birthplace; her mother's~~  
 10 ~~maiden name; and, her mother's birthplace] **and any other legal name used by each party prior**  
 11 **to the time of application.**~~

12 III. The clerk of the town or city shall complete the following statistical and legal  
 13 information on the marriage application worksheet for both [~~the bride and groom~~] **parties** with  
 14 information supplied by [~~the bride and groom~~] **each party**: the number which represents of the  
 15 currently intended marriage; if previously married, whether a civil annulment occurred or the  
 16 marriage ended by death or divorce; the date of civil annulment or that the last marriage ended;  
 17 their race and ancestry; their level of education; any waivers presented by [~~the groom or the bride~~]  
 18 **either party**, either for time or age pursuant to RSA 457:4 through RSA 457:9 or RSA 457:26 and  
 19 RSA 457:27; whether proof of age of the [~~bride and groom~~] **parties** was demonstrated using  
 20 identification with photograph; if applicable, the divorce decree; and, if applicable, the death record  
 21 of the former spouse.

22 IV. The [~~bride and groom~~] **parties to the marriage** shall record the following on the  
 23 marriage application worksheet after the clerk of the town or city completes information on the  
 24 application worksheet as described in paragraph III: the date and the city or town where the  
 25 marriage is intended to take place, if known; the name and address of the officiant for the marriage  
 26 ceremony, if known; [~~the groom's~~] **each party's** mailing address and phone number; [~~the bride's~~  
 27 ~~mailing address and phone number; the groom's~~] **each party's** signature and date signed; [~~the~~  
 28 ~~bride's signature and date signed;~~] and certification that the information provided is correct to the  
 29 best of his or her knowledge and belief and that he or she is free to marry under the laws of  
 30 New Hampshire.

31 V. Once all of the information on the marriage application worksheet has been obtained, the  
 32 clerk of the town or city shall transfer the information as listed in paragraphs II and III from the  
 33 marriage application worksheet to the marriage license as well as record the following information  
 34 on the marriage license: the date that the marriage license is issued, the signature of the clerk, and  
 35 the name of the city or town of issuance.

36 VI. Pursuant to RSA 457:26, the date that the marriage license is issued shall be not less  
 37 than 3 days nor more than 90 days from the date that marriage intentions were filed.



1 VII. Upon request of ~~[the groom]~~ **either party to the marriage**, the name of a legal  
2 guardian shall be substituted on the marriage license for a natural parent's name, regardless of  
3 whether the ~~[groom]~~ **party** who makes the request is of legal age at the time when intentions are  
4 being filed.

5 ~~[VIII. Upon request of the bride, the name of a legal guardian shall be substituted on the~~  
6 ~~marriage license for a natural parent's name, regardless of whether the bride who makes the request~~  
7 ~~is of legal age at the time when intentions are being filed.]~~

8 ~~[IX.] VIII.~~ The substitution of stepparents' names shall not be permitted.

9 ~~[X.] IX.~~ Persons entering dates on the marriage license shall use the full or abbreviated  
10 name of the month rather than numerals.

11 ~~[XI.] X.~~ When listing the birthplace on the marriage license, if the person is known to have  
12 been born in the United States, but the state is unknown then "U.S. - Unknown" shall be entered,  
13 and, if the person is known to have been born in a foreign country, but the country is unknown,  
14 "Foreign Unknown" shall be entered.

15 ~~[XII.] XI.~~ If no information is available regarding place of birth, "Unknown" shall be entered.

16 ~~[XIII.] XII.~~ The prospective ~~[bride and groom]~~ **parties to the marriage** shall review the  
17 information on the marriage license for completeness and accuracy prior to signing the marriage  
18 license.

19 ~~[XIV.] XIII.~~ If a prospective ~~[bride or groom are]~~ **party to the marriage is** not of legal age  
20 to marry, the co-signature of his or her parent shall be obtained, except when a court has issued a  
21 waiver authorizing the marriage in accordance with RSA 457:6.

22 ~~[XV.] XIV.~~ The officiant shall record the following on the marriage license after the marriage  
23 ceremony has taken place: certification that he or she is duly authorized to solemnize the marriage  
24 in accordance with RSA 457; the officiant's status, pursuant to RSA 457:31; the date of the marriage  
25 ceremony; the city, town or location and county where the couple were married; certification that the  
26 ~~[bride and groom]~~ **couple** were married by the officiant in conformance with RSA 457 and that the  
27 information noted is correct to the best of his or her knowledge; the signature of the officiant; the  
28 officiant's typed or printed name; the officiant's title and address; and an indication of whether the  
29 ceremony was religious or civil.

30 ~~[XVI.] XV.~~ The date the marriage license is received by the clerk of the town or city from the  
31 officiant shall be recorded on the marriage certificate as the date the marriage registration is filed.

32 ~~[XVII.] XVI.~~ The marriage license shall include the signature of the clerk of the town or city  
33 and the name of the town or city.

34 6 Marriage Licenses. Amend RSA 5-C:42, XIV to read as follows:

35 XIV. The date of the signing of the worksheet by either ~~[the bride or groom]~~ **party to the**  
36 **marriage**, or the earlier of 2 dates if applicable, shall be used by the clerk of the town or city to  
37 indicate when the intention of marriage was received and recorded and the date to be used to

1 establish the beginning of the time period during which the license shall be valid. The marriage  
2 license shall be valid pursuant to RSA 457:26 for not less than 3 days nor more than 90 days from  
3 the date the marriage intentions were filed. When 90 days have elapsed from the date the marriage  
4 intentions were filed and a completed marriage certificate or a delayed certificate of marriage has  
5 not been processed, the clerk of the town or city shall make a notation on the marriage application  
6 worksheet stating the marriage presumably did not take place. In the case where the marriage  
7 certificate is received within 6 months of the end of the 90-day period, the clerk of the town or city  
8 shall remove the notation and issue the certificate. In the case where the marriage certificate is  
9 received more than 6 months after the end of the 90-day period, the clerk of the town or city shall  
10 follow the procedure for issuing a delayed certificate of marriage.

11 7 Delayed Certificate of Marriage. Amend the introductory paragraph of RSA 5-C:52, II to read  
12 as follows:

13 II. Registration of marriage pursuant to paragraph I requires that an application for a  
14 delayed certificate of marriage be initiated by ~~[the bride, groom]~~ **either party to the marriage**, or  
15 their legal representative with the clerk of the town or city where the marriage license was allegedly  
16 issued. To be acceptable for registration by the state registrar, the delayed certificate of marriage  
17 shall be supported by a copy of the marriage worksheet application, if available, obtained from the  
18 clerk of the town or city where the intentions were filed and at least 2 of the following:

19 8 Certified Copy of Marriage Certificate. RSA 5-C:57, I(a) is repealed and reenacted to read as  
20 follows:

21 (a) The full names of both parties to the marriage.

22 9 Divorce; Separation; Annulment Forms. Amend RSA 5-C:58, III(b) to read as follows:

23 (b) The petitioner, identified as ~~[husband, wife]~~ **a party to the marriage**, both **parties**  
24 **to the marriage**, or other, including but not limited to legal guardian.

25 10 Divorce, Separation, and Annulment Forms. Amend RSA 5-C:58, IV(g) to read as follows:

26 (g) The name to be used by ~~[the wife]~~ **each party to the marriage** after divorce.

27 11 Certified Copy of Divorce, Separation, and Annulment Certificate. Amend RSA 5-C:60, I to  
28 read as follows:

29 I. An applicant for a copy of a divorce, legal separation, or civil annulment certificate shall  
30 provide the following information, in writing, to the division:

31 (a) ~~[The husband's]~~ **Each party's** first and last name.

32 (b) ~~[The wife's first and maiden]~~ **Any other** name **used by each party**.

33 (c) The date of decree.

34 (d) The place of decree by county.

35 (e) The purpose for which the certificate is requested, in order to establish direct and  
36 tangible interest in the record.

37 (f) The signature of the applicant.

1 (g) The applicant's relationship to ~~[the husband or wife]~~ **a party to the divorce,**  
2 **separation, or annulment.**

3 (h) The applicant's name, address, and telephone number.

4 12 Amendments and Corrections to Divorce, Separation, and Annulment Records. Amend  
5 RSA 5-C:93, I to read as follows:

6 I. Any change to a divorce, legal separation, or civil annulment record shall be initiated with  
7 the clerk of court by ~~[the husband, wife,]~~ **either party to the divorce, separation, or annulment**  
8 **or their legal representative or representatives.**

9 13 Vital Records Information Disclosure. Amend RSA 5-C:102, XI to read as follows:

10 XI. When publishing information regarding vital record events for statistical purposes in  
11 city or town reports, the following procedure shall apply. A written request from a resident that a  
12 particular vital event be omitted from the city or town report shall always be granted. A written  
13 request from a resident registrant that a certain event be published in the city or town report,  
14 including the birth of a child to a unwed mother, shall be granted. Items included in a city or town  
15 report for birth shall be limited to: the child's name; the name of the father; the name of the mother;  
16 the place of birth; and, the date of birth. Items included in a city or town report for death shall be  
17 limited to: the name of deceased; the place of death; the name of the father; the maiden name of the  
18 mother; and the date of death. Items included in a city or town report for marriage shall be limited  
19 to: the ~~[groom's]~~ name and place of residence~~[- the bride's name and place of residence;]~~ **of each**  
20 **party to the marriage** and the date of the marriage ceremony.

21 14 Liability for Resident Tax. Amend RSA 72:5 to read as follows:

22 72:5 Liability of ~~[Husband]~~ **Spouse**. A ~~[husband]~~ **spouse** shall be liable for the payment of his  
23 ~~[wife's]~~ **or her spouse's** resident tax if, when it was assessed, they were living together as ~~[man and~~  
24 ~~wife]~~ **a married couple**.

25 15 Property Tax Credits. Amend RSA 72:31 to read as follows:

26 72:31 ~~[Husband and Wife]~~ **Spouses**. A ~~[husband and wife]~~ **married couple**, each qualifying for  
27 a tax credit, shall each be granted a tax credit upon their residential real estate as provided under  
28 RSA 72:28, I or II.

29 16 Firefighters Retirement Benefits. Amend RSA 102:16, I(a) and (b) to read as follows:

30 (a) ~~[Legal wife]~~ **The spouse** cohabiting with member retiring;

31 (b) If there is no ~~[wife]~~ **spouse**, then totally dependent son or daughter.

32 17 Life Insurance; Married Woman. Amend RSA 408:1 to read as follows:

33 408:1 Married ~~[Women]~~ **Person**. Every policy of life or endowment insurance made payable to  
34 or for the benefit of a married ~~[woman]~~ **person**, or after its issue assigned, transferred, or in any way  
35 made payable to a married ~~[woman]~~ **person** or to any person in trust for **him or her or his or her**  
36 benefit, whether procured by **himself or herself, his or her** ~~[husband]~~ **spouse**, or by any other  
37 person and whether the assignment or transfer is made by **his or her** ~~[husband]~~ **spouse** or by any

1 other person, shall enure to **him or** her separate use and benefit, and to that of **his or** her children,  
2 subject to the provisions of law, relative to premiums paid in fraud of creditors.

3 18 Absolute Divorce. Amend RSA 458:7, VIII to read as follows:

4 VIII. When either party has joined any religious sect or society which professes to believe  
5 the ~~[relation of husband and wife]~~ **relationship of marriage** unlawful, and has refused to cohabit  
6 with the other for 6 months together.

7 19 Divorce in Another Jurisdiction. Amend RSA 458:19-a to read as follows:

8 458:19-a Divorce in Another Jurisdiction. The superior court shall have a jurisdiction to make  
9 such orders or temporary orders of alimony to a divorced ~~[wife or divorced husband]~~ **spouse**, or of  
10 support to the children of divorced parents as justice shall require in cases where the decree of  
11 divorce was not granted in this jurisdiction, even though said divorce decree makes provision for  
12 alimony and support, subject to the provisions of RSA 546-B.

13 20 Legal Separation; Procedure. Amend RSA 458:27 to read as follows:

14 458:27 Procedure, etc. Upon such petition for legal separation the procedure shall be the same  
15 as upon petitions for divorce, and the court shall have the same power in all matters relating to  
16 restraining orders and decrees, allowances, alimony, parental rights and responsibilities under  
17 RSA 461-A for children and division or apportionment of the property of the parties, as in cases of  
18 divorce. The ~~[name]~~ **names** of the ~~[wife]~~ **parties** shall not be changed.

19 21 Chapter Heading. Amend the chapter heading of RSA 460 to read as follows:

20 CHAPTER 460

21 ~~[HUSBANDS AND WIVES]~~ **SPOUSES**

22 22 Spouses; Property Rights and Liabilities. Amend RSA 460:1 – RSA 460:8 to read as follows:

23 460:1 ~~[Wife's]~~ Property **Before Marriage**. Every ~~[woman]~~ **person** shall hold to **his or** her own  
24 use, free from the interference or control of any ~~[husband she]~~ **spouse he or she** may have, all  
25 property at any time earned, acquired or inherited by, bequeathed, given or conveyed to **him or** her,  
26 either before or after marriage, if such earning, acquisition, conveyance, gift, or bequest were not  
27 occasioned by payment or pledge of the property of the ~~[husband]~~ **spouse**.

28 460:2 ~~[Wife's]~~ Contracts, etc. Every married ~~[woman]~~ **person** shall have the same rights and  
29 remedies, and shall be subject to the same liabilities in relation to property held by **him or** her in  
30 **his or** her own right, as if **he or** she were unmarried, and may convey, make contracts, and sue and  
31 be sued, in all matters in law and equity, and upon any contract by **him or** her made, or for any  
32 wrong by **him or** her done, as if **he or** she were unmarried. No damages shall be allowed to either  
33 spouse in any action based on alienation of the affections of the other spouse.

34 460:2-a Antenuptial Agreements. ~~[A man and woman]~~ **Persons** in contemplation of marriage  
35 may enter into a written interspousal contract and the courts of this state shall give the same effect  
36 to such contracts entered in other jurisdictions as would the courts of that other jurisdiction.

1 However, no contract otherwise enforceable under this section may contain any term which attempts  
2 to abrogate the statutory or common law rights of minor children of the contemplated marriage.

3 460:3 Antenuptial Debts. Marriage shall not render ~~[the husband]~~ **either party to the**  
4 **marriage** liable for the debts contracted by ~~[his wife]~~ **the other party** prior to their marriage.

5 460:4 Conveyance of Real Estate. A married ~~[woman]~~ **person** of full age may convey **his or** her  
6 real estate. A married spouse, though not of full age, may join with ~~[her (his) husband or wife]~~ **his**  
7 **or her spouse** in release of homestead.

8 460:5 Between ~~[Husband and Wife]~~ **Spouses**. Real estate may be conveyed directly by ~~[husband~~  
9 ~~to wife, or wife to husband]~~ **a person to his or her spouse**, in all cases where the same thing might  
10 lawfully be done through the intervention of a third person.

11 460:6 Conveyance, Spouse Insane. A ~~[married man or woman]~~ **person**, whose ~~[wife or husband]~~  
12 **spouse** is insane, and has continued insane for one year, and who wishes to convey real estate, may  
13 apply by petition to the judge of probate for the county in which the real estate lies for a license to  
14 convey the real estate in such manner as to bar all rights which the insane ~~[wife or husband]~~ **spouse**  
15 has in the real estate. A verified statement by a psychiatrist licensed as a physician in this state or  
16 by a psychologist licensed in this state shall accompany said petition and shall state that such  
17 psychiatrist or psychologist has personally examined the insane ~~[wife or husband]~~ **spouse** and found  
18 such person to be incompetent to participate in such a conveyance.

19 460:7 Procedure, etc. Upon the filing of the petition, a citation to the friends of the insane ~~[wife~~  
20 ~~or husband]~~ **spouse** and to all interested shall issue and be published. A guardian shall be  
21 appointed to represent the insane ~~[wife or husband]~~ **spouse**. If, after hearing, the judge is satisfied  
22 that the interests of all concerned would be promoted by the conveyance of the whole or any part of  
23 the petitioner's real estate, he **or she** may grant the license. A conveyance made under the license  
24 shall be a complete bar to all rights of the insane ~~[wife or husband]~~ **spouse** in the premises so  
25 conveyed.

26 460:8 Conveyance Barring Homestead Rights. A married ~~[man or woman]~~ **person** who is  
27 justifiably living apart from his or her spouse because such spouse has been guilty of conduct which  
28 constitutes cause for divorce, and who wishes to convey real estate, may apply by petition to the  
29 judge of probate for the county in which the real estate lies for a license to convey the same in such  
30 manner as to bar all rights of homestead therein to which such guilty spouse may then or thereafter  
31 be entitled.

32 23 Spouses; Conveyance of Goods. Amend RSA 460:11 to read as follows:

33 460:11 Conveyance of Goods. No conveyance, lease or mortgage of household goods in use by ~~[a~~  
34 ~~husband and wife]~~ **spouses** in their household shall be valid unless made in writing and executed by  
35 the owner and the ~~[husband or wife]~~ **spouse** of the owner. This section shall not apply to liens  
36 reserved on household goods sold conditionally.

1           24 Rights of Resident Spouse of a Nonresident. Amend the subdivision heading preceding  
2 RSA 460:12 to read as follows:

3                               Rights of Resident ~~[Wife]~~ **Spouse** of a Nonresident

4           25 Rights of Resident Spouse of a Nonresident. Amend RSA 460:12 – RSA 460:16 to read as  
5 follows:

6           460:12 Property. If a ~~[woman]~~ **person**, the ~~[wife]~~ **spouse** of an alien or of a ~~[man]~~ **person**  
7 residing in another state, has resided in this state for 6 months successively separate from **his or**  
8 her ~~[husband, she]~~ **nonresident spouse, the person residing in this state** may convey all real and  
9 personal estate, held by **him or** her in this state, the same as if ~~[she]~~ **such person** were sole and  
10 unmarried.

11           460:13 Termination of Separation. If the ~~[husband]~~ **spouse** of such ~~[woman]~~ **person** becomes a  
12 citizen of this state, and they cohabit together, the fact of his **or her** becoming such citizen, and such  
13 cohabitation, shall have the same effect upon any contract or business of the ~~[wife]~~ **person** as if the  
14 marriage between them had then first been solemnized.

15           460:14 Divorce. If the ~~[husband]~~ **spouse** of such ~~[woman]~~ **person** obtains a divorce from ~~[his~~  
16 ~~wife]~~ **such person** in a court or tribunal of any other state or country, or if a divorce be decreed upon  
17 application of ~~[the wife]~~ **such person** during such separate residence, ~~[she]~~ **such person** shall retain  
18 the exclusive custody and guardianship and receive the earnings of **his or** her minor children living  
19 with ~~[her]~~ **such person**.

20           460:15 Custody of Children. No **ex-spouse or other** person shall take from the custody of such  
21 ~~[wife]~~ **person** any minor child of the marriage residing with ~~[her]~~ **such person**, or remove the child  
22 from this state against the consent of ~~[the mother]~~ **such person**.

23           460:16 Guardianship, etc. Upon ~~[her]~~ **such person's** application, a guardian may be appointed  
24 for the child, and the superior court may issue an injunction restraining the ~~[father]~~ **ex-spouse** and  
25 all other persons from removing the child from this state against the consent of ~~[the mother]~~ **such**  
26 **person**, and may make such further orders and decrees as shall secure to ~~[her]~~ **such person** or to  
27 the guardian the custody of the child.

28           26 Both Spouses Under Guardianship. Amend RSA 464-A:31 to read as follows:

29           464-A:31 Both Spouses Under Guardianship.

30           I. When ~~[a married man and his wife]~~ **spouses** are both under guardianship, and the  
31 guardian of the estate of either has obtained a license from the judge to sell real estate of the ward,  
32 the guardian of the other may, without license, join in the sale and release the ward's interest.

33           II. In such case, the proceeds of the sale shall be equitably divided, as the judge may direct,  
34 according to the value of the respective interests of ~~[the husband and wife]~~ **each spouse** in the  
35 estate sold, and the respective guardians shall receive and be charged accordingly.

36           27 Superior Court Jurisdiction. Amend RSA 491:7 to read as follows:

1       491:7 Jurisdiction. The superior court shall take cognizance of civil actions and pleas, real,  
2 personal and mixed, according to the course of the common law, except such actions as are required  
3 to be brought in the district courts under RSA 502-A or the probate courts under RSA 547; of writs of  
4 mandamus and quo warranto and of proceedings in relation thereto; of actions for support for  
5 children of unwed parents; of petition and appeals relating to highways and property taken therefor  
6 and for other public use; of actions commenced in the probate or district courts where a right to jury  
7 trial is guaranteed by the constitution; of actions commenced in a district court which are  
8 transferable by statute to the superior court; of suits in equity under RSA 498:1; of petitions of  
9 divorce, nullity of marriage, alimony, custody of children and allowance to [wife] *a person* from  
10 [husband's] *an ex-spouses's* property for support of [herself] *his or her self* and children; of  
11 petitions for new trials; of petitions for the redemption and foreclosure of mortgages; of all other  
12 proceedings and matters to be entered in, or heard at, said court by special provisions of law; and of  
13 all other proceedings and matters cognizable therein for which other special provision is not made.

14       28 Superior Court; Equity Procedure. Amend RSA 491:14 to read as follows:

15       491:14 Equity Procedure. Suits in equity, petitions for divorce, nullity of marriage, alimony,  
16 custody of children, allowance to [wife] *a person* from [husband's] *an ex-spouse's* property, new  
17 trials, redemption and foreclosure of mortgages, writs of mandamus and quo warranto, and other  
18 similar proceedings may be heard upon oral testimony or depositions, or both; or when both parties  
19 consent, or service having been made and a notice of the time and place of the hearing having been  
20 given, when both parties appear, such suits may be heard by any justice of the court at any time, but  
21 nothing contained in this section shall be construed as limiting the power of the court to have issues  
22 of fact framed and tried by a jury, according to the rules in equity, or the course of such proceedings  
23 at common law.

24       29 Exemptions From Trustee Process. Amend RSA 512:21, X to read as follows:

25       X. Wages of the defendant earned before service of the writ upon the trustee if the defendant  
26 is a married [woman] *person* and the action is founded upon any loan contract subject to the  
27 provisions of RSA 399-A on which *his or her* [husband] *spouse* is or was at any time an obligor,  
28 jointly or severally, contingently or otherwise.

29       30 Wills; Revocation. Amend RSA 551:13, II and III to read as follows:

30       II. If after executing a will the testator is divorced or the marriage is annulled, the divorce or  
31 annulment revokes any disposition or appointment of property made by the will to the former  
32 spouse, any provision conferring a general or special power of appointment on the former spouse, and  
33 any nomination of the former spouse as executor, trustee, conservator, or guardian, unless the will  
34 expressly provides otherwise. Property prevented from passing to a former spouse because of  
35 revocation by divorce or annulment passes as if the former spouse and all heirs in the descending  
36 line of such former spouse who are not also heirs at law of the decedent failed to survive the  
37 decedent, and other provisions conferring some power or office on the former spouse are interpreted

1 as if the spouse and all heirs in the descending line of such former spouse who are not also heirs at  
 2 law of the decedent failed to survive the decedent. Any bequest or devise to any such heirs in the  
 3 descending line of such former spouse that is contingent upon such spouse predeceasing the testator  
 4 is revoked by this section, unless the will expressly provides otherwise. If provisions are revoked  
 5 solely by this section, they are revived by the testator's remarriage to the former spouse. A decree of  
 6 separation which does not terminate the status of [~~husband and wife~~] **marriage** is not a divorce for  
 7 the purposes of this section. No change of circumstances other than as described in this section  
 8 revokes a will.

9 III. If after executing a trust instrument in which a sole grantor reserves a power to alter,  
 10 amend, revoke or terminate the provisions of the trust, the grantor is divorced or the marriage is  
 11 annulled, the divorce or annulment revokes any disposition or appointment of property made by the  
 12 trust to the former spouse, any provision conferring a general or special power of appointment to the  
 13 former spouse, and any nomination of the former spouse as trustee, unless the trust expressly  
 14 provides otherwise. Property prevented from passing to a former spouse because of revocation by  
 15 divorce or annulment passes as if the former spouse and all heirs in the descending line of such  
 16 former spouse who are not also heirs at law of the decedent failed to survive the decedent, and other  
 17 provisions conferring some power or office on the former spouse are interpreted as if the spouse and  
 18 all heirs in the descending line of such former spouse who are not also heirs at law of the decedent  
 19 failed to survive the decedent. Any devise or distribution to any such heirs in the descending line of  
 20 such former spouse that is contingent upon such spouse predeceasing the grantor is revoked by this  
 21 section, unless the trust expressly provides otherwise. If provisions are revoked solely by this  
 22 paragraph, they are revived by the grantor's remarriage to the former spouse. A decree of separation  
 23 which does not terminate the status of [~~husband and wife~~] **marriage** is not a divorce for the  
 24 purposes of this paragraph. No change of circumstances other than as described in this paragraph  
 25 revokes a trust.

26 31 Rights to Administer. Amend RSA 553:2, II to read as follows:

27 II. To the [~~widow, husband~~] **surviving spouse** or any of the next of kin, or to such suitable  
 28 person as they or any of them may nominate.

29 32 Articles Not Assets. Amend RSA 554:4 to read as follows:

30 554:4 Articles Not Assets. The wearing apparel of the [~~widow~~] **surviving spouse** and **his or**  
 31 her ornaments, according to the estate of her [~~husband~~] **spouse**, and the wearing apparel, Bibles and  
 32 school books of the minor children, are their property, and shall not be regarded as assets, or be the  
 33 subject of bequest by the [~~husband~~] **deceased**.

34 33 Articles Not to be Inventoried. Amend RSA 554:5 to read as follows:

35 554:5 Articles Not to be Inventoried. The wearing apparel, Bibles, family pictures, photographs,  
 36 albums and any other personal trinkets of sentimental rather than intrinsic value belonging to the  
 37 deceased leaving a [~~widow, husband~~] **surviving spouse**, children or heirs surviving, shall not be



1 inventoried or accounted for, but shall be delivered by the administrator to the surviving [~~husband or~~  
2 ~~wife~~] **spouse**, if any, otherwise shall be divided by [~~him~~] **the administrator** among the children or,  
3 if there are no surviving children, among the heirs; but the same may be otherwise disposed of by  
4 will.

5 34 Sale by Consent. Amend RSA 559:5 to read as follows:

6 559:5 Sale by Consent. Whenever it shall be necessary to sell real estate for the payment of  
7 debts the judge, on application of the administrator, with the assent of the [~~widow or~~] surviving  
8 [~~husband~~] **spouse**, if any, and, if there is no [~~widow or~~] surviving [~~husband~~] **spouse**, then with the  
9 assent of the guardian of the minor children, if any, may grant license for the sale of the whole real  
10 estate of the deceased, including the homestead right and any other interest therein, and the  
11 reversions thereof.

12 35 Making Account. Amend RSA 560:1 to read as follows:

13 560:1 Making; Account. The judge may make to the [~~widow~~] **surviving spouse** of the person  
14 deceased, intestate, or testate, a reasonable allowance out of the personal estate, for **his or** her  
15 present support; and, in the decree of distribution of the personal estate, the whole, or such part  
16 thereof as the judge may deem reasonable, shall be accounted as part of **his or** her distributive  
17 share; and shall be so accounted when **he or** she elects to take [~~one-third~~] **1/3** or [~~one-half~~] **1/2** of the  
18 real estate, under the provisions of RSA 560:10.

19 36 Allowance to Surviving Spouse. Amend RSA 560:2 to read as follows:

20 560:2 Use of House, etc. The [~~widow~~] **surviving spouse** may remain in the house of her  
21 [~~husband forty~~] **spouse 40** days next after his **or her** death without being chargeable with rent  
22 therefor, and in the meantime shall have **his or** her reasonable sustenance out of the estate; and the  
23 same shall be taken into consideration by the judge in the allowance he **or she** may make to [~~her~~]  
24 **the surviving spouse**.

25 37 Curtesy or Dower. Amend RSA 560:3, I to read as follows:

26 I. [~~Neither husband or wife, widower or widow,~~] **No person** shall be vested with either  
27 choate or inchoate right of curtesy or dower in the real estate of his or her spouse.

28 38 Settlements. Amend RSA 560:15 to read as follows:

29 560:15 Upon [~~Wife~~] **Surviving Spouse**. If a settlement was made upon the [~~wife~~] **surviving**  
30 **spouse** before marriage, which was stipulated to be in lieu of **his or** her homestead right,  
31 distributive share, or either of them, in **his or her** [~~husband's~~] **spouse's** estate, it shall be enforced  
32 by the court of probate, and the [~~widow~~] **surviving spouse** shall not be entitled to any right or rights  
33 in lieu of which the settlement was made.

34 39 Effect of Abandonment by Spouse. Amend RSA 560:18 to read as follows:

35 560:18 Effect of Abandonment [~~by Husband~~]. If a [~~husband~~] **person** has willingly abandoned  
36 his [~~wife~~] **or her spouse** and has absented himself **or herself** from **him or** her, or has willfully  
37 neglected to support **him or** her, or has not been heard from, in consequence of his **or her own**

1 neglect, for the term of ~~(three)~~ 3 years next preceding *his or* her death, he *or she* shall not be  
2 entitled to any interest or portion in her estate, real or personal, except such as *he or* she may have  
3 given to him *or her* in *his or* her will.

4 40 Inheritance of Person Born to Unwed Parents. Amend RSA 561:4, I to read as follows:

5 I. A child born of unwed parents shall inherit from or through his *or her* mother as if born  
6 in lawful wedlock. The estate of a person born of unwed parents dying intestate and leaving no  
7 issue~~[, nor husband, nor wife]~~ *or spouse* shall descend to the mother, and, if the mother is dead,  
8 through the line of the mother as if the person so dying were born in lawful wedlock.

9 41 Medical Examiners; Delivery of Body. Amend RSA 611:14, I to read as follows:

10 I. The ~~[husband or wife, as the case may be]~~ *surviving spouse*.

11 42 Repeal. The following are repealed:

12 I. RSA 115-A:2, V, relative to the definition of spouse.

13 II. The subdivision heading preceding RSA 460:17 and RSA 460:17 through 460:21, relative  
14 to rights of resident husband of a nonresident.

15 III. RSA 560:16, relative to upon husband.

16 43 Reference Changes. Amend the following RSA provisions by replacing the term “husband  
17 and wife” or “a husband and wife” or “husband, wife” or “husband; wife” with the term “spouses:” 5-  
18 C:1, XV(a); 77:5-a; 77-B:7, II; 161-F:48; 169-C:32; 170-B:4, I; 415:5, I(3); 457:39; 461-A:3, II; 546-A:9;  
19 546-B:27, IX; and 632-A:5.

20 44 Reference Changes. Amend the following RSA provisions by replacing the term “husband or  
21 wife” or “wife or husband” or “a wife or a husband” or “husband, or wife” or “wife, husband” or  
22 “husband” or “wife” with the term “spouse:” 5-C:29, I; 72:29, V; 102:17; 103:15; 165:5; 165:19; 167:2;  
23 167:3; 167:13; 168-B:4; 168-B:9, II(b); 168-B:13; 168-B:21, II(c); 168-B:23, IV; 168-B:25; 168-B:26;  
24 281-A:2, V; 283:5; 325:37; 458:1; 464-A:30; 480:3-a; 480:5-a; 480:6-a; 480:8-a; 507:8-a; 512:21, III;  
25 546-A:2; 551:3; 553:9; 560:10; 560:17; and 560:19.

26 45 Reference Changes. Amend the following RSA provisions by replacing the term  
27 “(wife)(husband)” with the term “(spouse):” 477:27; 477:28; 477:29; and 477:44.

28 46 Reference Changes. Amend the following RSA provisions by replacing the term “bride and  
29 groom” or “bride or groom” or “husband and wife” with the term “parties to the marriage:” 5-C:1,  
30 XXII; 5-C:42, IV and V; 5-C:43; 5-C:49, VI; 5-C:52, II(f) and III; 5-C:53, III; 5-C:57, I(f); 5-C:58, I; 5-  
31 C:91, I; and 5-C:97, I.

32 47 Reference Changes. Amend the following RSA provisions by replacing the term “widow” or  
33 “widower” or “widow, widower” or “widow or widower” with the term “surviving spouse:” 73:21;  
34 72:29, V; 102:17; 103:15; 165:5; 166:19; 281-A:2, V; 283:5; 304-A:7, IV(c); 320:11; 325:37; 402:69;  
35 402:71; 550:7; 552:10; 554:32; 556:6; 556:13; 557:22; 557:34; and 559:18.

36 48 Applicability. This act shall apply to all marriages entered into pursuant to marriage  
37 licenses which are issued under RSA 5-C on or after January 1, 2008.

1        49 Effective Date. This act shall take effect January 1, 2008.

LBAO  
07-0892  
01/30/07

**HB 791-FN - FISCAL NOTE**

AN ACT                    relative to religious freedom and civil marriage.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Department of Health and Human Services. When completed, the fiscal note will be forwarded to the House Clerk's Office.

# Amendments

Rep. Lasky, Hills. 26  
Rep. Baxley, Merr. 6  
Rep. Morrison Belk. 2  
Rep. Weber, Ches. 2  
March 22, 2007  
2007-0954h  
09/04

Amendment to HB 791-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT                    establishing a commission to study the legal and social effects of permitting same  
4 gender marriage.  
5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8        1 Commission Established. There is established a commission to study the legal and social  
9 effects of permitting same gender marriage.

10        2 Membership and Compensation.

11            I. The members of the commission shall be as follows:

12            (a) Four members of the house of representatives, at least 2 of whom shall be members  
13 of the judiciary committee, appointed by the speaker of the house of representatives.

14            (b) Four members of the senate, appointed by the president of the senate.

15            (c) One representative of the governor's office, appointed by the governor.

16            (d) Four public members, 2 of whom shall be appointed by the speaker of the house of  
17 representatives and 2 of whom shall be appointed by the president of the senate.

18            (e) An attorney who specializes in family law, appointed by the New Hampshire Bar  
19 Association.

20            II. Legislative members of the commission shall receive mileage at the legislative rate when  
21 attending to the duties of the commission.

22        3 Duties. The commission shall study the legal and social effects of permitting same gender  
23 marriage. The commission shall compile information on the legal and social effects of legislative acts  
24 and judicial decisions to permit same gender marriage. The commission's study shall include, but  
25 not be limited to, the collection and analysis of data to determine the legal and societal changes  
26 which have occurred in other jurisdictions as a result of permitting same gender marriage.

27        4 Chairperson; Quorum; Hearing and Meetings.

28            I. The commission shall choose a chairperson, vice-chairperson, and clerk at its first  
29 meeting. The clerk shall keep a complete record of the proceedings of the commission and may call  
30 upon the resources of the legislature for assistance.

Amendment to HB 791-FN

- Page 2 -

1           II. The first meeting of the commission shall be called by the first-named house member and  
2 shall be held within 45 days of the effective date of this section. A majority of the members of the  
3 commission shall constitute a quorum.

4           III. The commission shall hold no fewer than 3 public hearings in different parts of the state.  
5 Notice of all commission meetings and hearings shall be printed in the house and senate calendars.  
6 Commission meetings and hearings shall be open to the public and shall be subject to the  
7 requirements of RSA 91-A:2.

8           5 Report. The commission shall make a final report to the speaker of the house of  
9 representatives and the senate president on or before December 1, 2008.

10          6 Effective Date. This act shall take effect June 30, 2007.

**Amendment to HB 791-FN**  
**- Page 3 -**

2007-0954h

**AMENDED ANALYSIS**

This bill establishes a commission to study the legal and social effects of permitting same gender marriage.



# Speakers

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 791 Date 3/14/07

Committee Judiciary

\*\* Please Print All Information \*\*

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Raj Suzanne Butcher			Keene	X	
Marianne Fleischman	8 Deer Trade Lane Concord	224-7572		X	
Benny Cushing	395 W. Main St Hampton			X	
Nancy Fox	413 Boy RD Andover NH	396-6852		X	
Megan DeVorse	6 Cambridge St Concord	224-9107		X	
Debra Durant	35 Log St #3F Manchester NH			✓	
NANCY FRANKL	7 McALUCYER RD BEDFORD, NH			X	
MARJORIE A RUDINSKY	1 MERRIMACK ST CONCORD, N.H.			X	
D Hogan					X
Kim Phillips	400 N. Pembroke Rd. Pembroke NH	227-2161		X	
Rep Daniel C. Ito			Rock Des 91		X
Dennis Kalob	46 Hillside Dr. Ham. Ke.	428-4236		X	
Sigme Hepler	497 Hooksett Rd. Ste. 2-147				X
Jennifer Saylor	9 Hammond Ave Charleston NH	03603		X	
Travis Wardrop	325 PLEASANT ST. CONCORD NH 03301			X	
Mary Wardrop	325 Pleasant St. Concord NH			X	
Windie Wallace	7 Buchwood St. Portsmouth NH			X	
REP ELLEN NIELSEN			SULLIVAN T	X	
Rep. Peter Schmidt				X	
Milton Hutchins				X	
Ea Ksander	316 Bennett St. Portsmouth NH			X	
Hildi Orkin	316 Bennett St. Portsmouth NH			X	

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 791 Date 3/14/2007

Committee Judiciary

\*\* Please Print All Information \*\*

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Annalynn Coggins	41 Sheldon Rd	768-5530	Self, Citizenry		✓
Ruth Smith	234 Southwest Rd Cant.	783-4656	Self	✓	
Wally Key	45 Old Manchester Rd. Amherst	673-8460	Self	✓	
JOSÉ J. CAPÓ	20 WINDHAM ROAD, PELHAM	617-784-1838	SELF	✓	
George Lundberg	19 Cameron Dr. Nashua	897-7372	Self	✓	
Rep. Paul Breyer, Grafton?	Lynn	795-9912		✓	
Beverly Sevey	241 Windmill Rd Compton	5365711	Self	✓	
REP CARLA SKINDER	SULLIVAN CTY DIST ONE			✓	
NANCY ALLEN	84 HIGH ST COFFSTOWN	497-8839	Self	✓	
Richard Lincoln	243 Black Pt. Rd ALTON BAY	875-3173	Self	✓	
Emily Burr	353 Bridge St Manchester	540-2487	Self	✓	
Michael Perfit	182 Winnicut Rd Stratham, NH	(603)772-5318	Self	✓	
Pat YOSHIZ	24 strings brook, Exeter	772-3782	Self	✓	
Laurie Hansen	13 Forest LN Boscawen, NH	796-2084	Self	✓	
NORM CARRIER	291 MYRTLE ST. MANCHESTER	626-5872	Self	✓	
Representative James E. Kennedy	Exeter Dist 13				✓
Amanda Conway	25 Langdon St Plymouth	603-536-5295 NH		✓	
Beverly Barney	874 Old Farms Rd. Grafton	603-863-8810		✓	
MADELINE VERNALIA	874 Old Farms Rd Grafton NH			✓	
Frank Cook	465 W Northford Dr. Portsmouth NH			✓	
Melody P Martin	25 Watson St Nashua	801-0012	Self	✓	
Sarah Snyder	2 Birch St. Litchfield NH	801-2105	Self	✓	
ROYAL BLEAU	1420 UNION ST MANTH, N.H.	603-274458		✓	

Rep Jeffery Fortas ward 6 Hills 24

✓ over

yes

Rep. Andrew J. Edwards	5 Esquire Circle	880-3000	Hills-26	✓
Cill Janeway	Webster, NH	746-3818	self	✓
Hai Sun	Danvers NH	714-851-2108	self	✓
Andy LaBour	Concord, NH	603-226-2707		✓
Sonia Hernandez	14 Garity Edeline	Moultonborough	603-253-9310	✓

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 791 Date 3/14/2007

Committee Judiciary

\*\* Please Print All Information \*\*

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rep. LEE HAMMOND			LEBANON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Susan Keenan			Hampton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep AL BALDASARD			Rockingham - District 3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Margaret Carnation	Concord NH	224-8825		<input type="checkbox"/>	<input checked="" type="checkbox"/>
ARTHUR JACKSON			DERRY N.H.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<del>Greg Hopwood</del>	<del>Nashua, NH</del>		<del>Hillsborough</del> <sup>Speaking</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Louise Broughton	Epsom, NH	736-4723		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Kate McGovern	36 Modena Dr Penacook	753-9542	NH AFL-CIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ken Bosse	84 Nottingham Rd		Raymond	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dorlene Bosse	84 Nottingham Rd		"	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JACK WATTS	26 South MAIN ST		CONCORD NH	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MEREDITH WATTS	26 SOUTH MAIN ST		CONCORD NH	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JIM C. PERRY	316 BARTLETT ST,		MANCHESTER NH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ARMEN CASARJIAN	316 BARTLETT ST		MANCHESTER, NH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jeanette Johnson	83 Ward St		Manchester, N.H.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ROGER A. JOHNSON	83 WARD ST,		MANCHESTER NH	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Laurie A. Coit	38 Ramsgate Ridge		Nashua, NH	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marsha Choate	16 Northeastern Blvd.		Nashua, NH <sup>03002-1003</sup> <sub>891-2633</sub>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Elaine Driscoll	36 Sag Harbor Drive		Auburn, NH 03032	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lydia Harman	49 Bradley St		Concord NH 03301	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Alexis O'Brien	180 Woodbury St.		Manchester NH 03102	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bruce Goodwin	71 Page Rd		Bow NH 03304	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tracey Foote	71 Page Rd		Bow NH 03304	<input type="checkbox"/>	<input checked="" type="checkbox"/>

see Ben Suite → →

2/  
Fred Pond 80 Church St Lebanon  
Lebanon NH  
603 448 2573

LISA BEELE 160 S MAIN ST FRANKLIN 934-5587 PRO

Lisa Hall 22 Beacon St #2 Concord NH 03301 PRO

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 791

Date 3/14/2007

Committee Judiciary

\*\* Please Print All Information \*\*

Name	Address	Phone	Representing	(check one)	
				Pro	Con
GARY FINBER	93 AARON DR., MANCHESTER 03109	603-668-8778		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Corkin	93 Aaron Dr., Manchester	03109 603-668-8778		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amanda Miller	71 Eagle Nest Way Manchester 03104	207-229-2420		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lauren Isabelle	56 Osprey Drive Portsmouth NH 03801	603-782-2941		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mitchell Kiseck	56 Atkinson St. Dover, NH 03820	603-781-1468		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tawnee Walling	P.O. Box 842 Portsmouth NH 03802	603-431-1913	Seacoast	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jess Haggard	18 Howe Rd. Rutherford NH	603-784-4224	Seacoast	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brittany Boyle	403 5th St Dover 03820	603-749-6256	Seacoast	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Deborah Wheeler	Monroe Co #6 Northfield, NH			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Johnnie Fortier	160 Main Street	746-6910		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jeremiah Fortier	160 Main St, Hopkinton, NH	(603) 746-6910		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Linda McCerthy	25 Damron Rd. Derry	216-5727		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Virginia Bland	51 Coolidge Farm Sandwich NH			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kristi Gaynor	32 Dustin Rd	603-724-7199		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ashley Brewster	96 Elizabeth Lane	603-582-3135		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Colin Hayes	87 Hutchins Hill Rd	603-228-8204		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Danielle Kaitz	150 Park Ave	603-746-7573		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jenese Kaitz				<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lizz Van Sam	PO Box 845 Henniker	603-428-7112		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michele Holt-Shanno	14 Florence St Dover, NH 03820	743-1663		<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Emerson	1024 W. MAIN ST EXT ALBANY NH 03818			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dick Anderson	51 Rumford St. Concord NH 03301			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Allissa Shay Zeller	24 Franklin St Concord NH, 03301			<input checked="" type="checkbox"/>	<input type="checkbox"/>

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 291 Date 3/14/2007

Committee Judiciary

**\*\* Please Print All Information \*\***

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Nicholas Leone	36 Grandview Dr Worcester, MA 02281	509-0496	Wenre	✓	
Van Remick-Cook	465 Fw Harford Portsmouth, NH	433-5851		✓	
Sean McKenna	<del>34A</del> 34A New York St. Dover, NH	969-7595	Dover	✓	
Kate Wyszynski	5 Hartman Place Exeter, NH	380-6261	Exeter	✓	
Morgan Layla Lucas	119 Fieldstone Dr Landaff, NH	932-8819	PSU	✓	
Paul Belyea	1082 Montalona Rd. Dunbarton, NH	774-3843	ALSO SELF	✓	
Martha LyDarragh	607 Main St. Sandown, NH	8873766		✓	
Marilyn Booth	177 Cemetery Rd. Landaff, NH	03585		✓	
Judy Hernandez	14 County Side Line Marathon, MA	6032539310		✓	
Bruna a Daly	14 Appleton Lacoma, N.H.	03246 603520-0031		✓	
Phoebe Stone	224 Frederick St Manchester, NH	03102		✓	
Michelle Hart-Miller	34 CIPER LN. NASHUA, NH	03063		✓	
Carly Hellen	20 FENWICK DR. YUNHAM, NH	03274		✓	
Jam Hellen	11	11	11	✓	
Roberta Barry	170 Jordan Rd. Keene, N.H.	PFLAG		✓	
NANCY GREANEY	8 CALDWELL LN MERRIMACK, NH	03054		✓	
Jane B. Lemeland	38 Auburn St. CONCORD, NH	03301		✓	
CLAIRE GASSETT	19 GREENWICH TR CONCORD, NH	03301		✓	
MARY TOWNSEND	10 CHECKERBERRY LANE CONCORD, NH	03229		✓	
KEITH TOLLEY	29 BALDWIN WAY DOVER, NH	03820			✓
HILDA W. SOKOL	6 Stars Rd Hanover, NH	05755		✓	
Gene Chandle					✓
Gordon Crouch	142 Barton Corner Rd CONCORD, NH	746-6895	03229	✓	



# SIGN UP SHEET

*SM* To Register Opinion If Not Speaking  
791

Bill # HB ~~705~~ 791 Date 3/19/2007

Committee Judiciary

**\*\* Please Print All Information \*\***

Name	Address	Phone	Representing	(check one)	
				Pro	Con
John L. Barry	170 <sup>Keene</sup> Jordan Rd	352-6854	PFLAG <sup>509</sup>	<input checked="" type="checkbox"/>	
Kate Scheffey	10 Checkerberry Lane	(603) 746-5829	youth	<input checked="" type="checkbox"/>	
Lillie Schuffey	Hopkinton NH 03229		youth	<input checked="" type="checkbox"/>	
Jenny Helm	178 Woodland	Hopkinton NH 03229	(603) 746-4638 youth	<input checked="" type="checkbox"/>	
Christine Head	57 South Rd	Hopkinton NH 03229	(603) 746-5898 youth	<input checked="" type="checkbox"/>	
Kelly Lovering	10 Wyvern Ln	Rochester 3354986	NHFTM	<input checked="" type="checkbox"/>	
Jenn Cardina	10 Wyvern Ln	Tractors NH 3354986	NHFTM	<input checked="" type="checkbox"/>	
Chris Lanson	15 Tanager Ln	Somersworth NH 603-692-4949	NHFTM	<input checked="" type="checkbox"/>	
Martha Uager	4 Park St #209	Concord 224-2407	AFSC-NH	<input checked="" type="checkbox"/>	
Caitlin Murphy	27 Birch Ct.	Goffstown NH 497-3081	NHFTM	<input checked="" type="checkbox"/>	
Lennie Loney	496 Coolidge Ave		644-5857		<input checked="" type="checkbox"/>
Rep Brandon Browne	149 Portland Ave #70		343-1301	<input type="checkbox"/>	
Kent Mc Test	109 Pleasant St.	Andover NH 603-4565		<input checked="" type="checkbox"/>	
Karen Testerman	136 N. Main St.	Concord			<input checked="" type="checkbox"/>
Gregory B. Ives	3 Fairfax Ave #253	Derry 434-3765		<input checked="" type="checkbox"/>	
JAMES RAPPENY	2266 OCTAV Blvd	Rye NH 03970	964-9517	<input checked="" type="checkbox"/>	
ANNA TILTON	60 WEBB DEPOT RD	WARL NH 209-2490		<input checked="" type="checkbox"/>	
Gyle Spelman	4-14 Deer St.	Tilton NH 03276-2863	754	<input checked="" type="checkbox"/>	
John Fosto	4-14 Deer St	Tilton NH 03276		<input checked="" type="checkbox"/>	
MARKEN RYAN	P.O. Box 740	CONCORD		<input checked="" type="checkbox"/>	
KATE HARTNETT	40 THURSTON BOND RD	DEERFIELD NH 463-9091	Self	<input checked="" type="checkbox"/>	
Rep AL BALBASARD		ROCK-DISTRICT 3			<input checked="" type="checkbox"/>
Victoria Rydu				<input checked="" type="checkbox"/>	

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 791 ~~785~~ Date 3/14/2007

Committee Judiciary

\*\* Please Print All Information \*\*

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Jessica Pernel	106 Peacock Rd	746-2439	youth	✓	
Emily Hough-Kovács	89 Emerson Hill Rd	03229	youth	✓	
MARY TILL	296 Vicky St. Mandi. NH		self	✓	
Constance Rogers	14 Essex St. #2	919-414-9055	dykes everywhere	✓	
Gary Smith	105 N. State St. Concord, NH	271-344	State Employees #05N	✓	
Harry Converse	2 Clover Clarendon			X	
JDEL B. KLINKER	480 PATTEN HILL RD London	483-4049	SELF	✓	
Wilfrid R. Mott-Smith	91 Kenney Rd	267-7566	self	✓	
Rachael Stuart	431 WILLARD ST. BERLIN	752-2666	self	✓	
RICHARD STUART	131 Water St Laconia	03246	self	✓	
Jay Ward	Pembroke			✓	
JOANNE BRAURY	30 THURSTON ROAD & DEERFIELD	03037	self	✓	
Hilary Kane	6 Danman St., Concord	—	YOUTH	✓	
Josh Moss	23 Auburn St. Concord	—	youth	✓	
Katie Rin	4 Champion Circle	—	youth	✓	
James Hopwood	34 Frankl. Nashua NH				✓
W. Greenleaf	PO Box 183 Nottingham NH	679-1909		✓	
Robert B. Williams Jr	110 King Rd. Chichester	03258	2985919	✓	
ARNIE Aupert	4 PARK ST, CONCORD	03301	AFSC	✓	
Barbara Stewart	3 Griffin Road, Epsom, NH	300-9238 03239	self	✓	
Anne H. Clark	325 Pleasant St. Concord, NH	03301	self	✓	
Mark Anderson	4 Susan Lane Concord, NH	03301	self	✓	
Shelley Saylor	9 Hammonds Acres Charlestown NH	03603		✓	



# Hearing Minutes

HOUSE COMMITTEE ON

PUBLIC HEARING ON HB 791-FN

**BILL TITLE:** -relative to religious freedom and civil marriage

**DATE:** March 14, 2007

**LOB ROOM:** 208

**Hearing Called to Order:** 1:00 p.m.

**Time Public**

**Time**

**Adjourned:** 5:10 p.m.

(please circle if present)

**Committee Members:** Reps. D. Cote, Wall, Potter, Lasky, Espieffs, Morrison, Shurtleff, Baxley, Hackel, P. Preston, G. Richardson, Weber, Sorg, Rowe, Mooney, Buxton, N. Elliott, Francoeur, DiFruscia and Bettencourt.

**Bill Sponsors:** Reps. Baxley, Morrison, Butler, DeChane, Lasky

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Maureen Baxley**, sponsor, supporting

**Rep. Marlene DeChene**, sponsor, supporting

**Rep. Harold Janeway**, sponsor, supporting

**Rep. Steve Vaillancourt**, supports this bill over the civil union bill he sponsored. Afraid the governor will veto. But let him, I'll vote for it. Unconstrained as I supported this 100%. Recall hero teacher in Vergennes, Vt. Taught life, more often than vocabulary. Part of a lesbian couple. Rod Stewart's Georgia. Get in before it's too late. Red Badge, Steven Crane, "The Horizon Chase." I Have the courage to run with this.

\***Brian Rater**, supports, NHFTM board member. Traveled to many towns in this role. People here have great understanding of individual rights. He signed the

petition UNH Granite State Poll. 61% said they favor allowing gays to get marriage certificate, 74% allow license from Justice of the Peace.

**\*Dawn Touzin**, since 1983, advancing rights for gays, supports, Board Chairman of NHFTM. Have 5000 signatures for civil marriage. Some say lesser form will do. We don't believe so. Separate but not equal not sufficient. <sup>we could get</sup> One of the best attorneys at Devine, Millimet told us contracts were best, but not enough.

**\*Carmina Self**, supporting, couple for 9 years and residents longer. Our child is a NH native but hard where we are not legally protected by civil marriage. Yes, new laws but we knew we lived among fair minded individuals and we'll have protection by the time she is old enough to understand.

**\*Melissa Weeks**, supports. A lesbian widow. Partner and I had a holy union in Portsmouth in our church. However, we paid higher taxes, and paid taxes on money she left. This country founded on equal rights for all. We went to revolution for this and yet today, after all generations of my family that have fought and yet we have lesser rights. Why do we pay equal taxes when no equal rights?

**Rep. A. Baldasaro**, opposing. Left Massachusetts because he didn't like what was happening there. Give the question to the voters.

**George Lundborg**, supporting. If people are in love they ought to be able to get married. It's that simple.

**ELizabeth Emerson**, supporting. Has gay son. Discovered she was gay, had wedding in Dover Meeting House and married in Massachusetts. When we moved to Barrington, our rights evaporated.

**Mikayla Hayden**, supporting. Legal married lesbian transsexual married six years. My marriage recognized but others not. We have health care benefits. I have 4 children. Don't support, civil union but marriage to recognize love and commitment. It's the right thing to do.

**\*Carol Perkins**, representing PFLAG. Owned and operated Long View Farm, 3 children, and grand children. Demand we treat all couples equally.

**Daniel Anderson**, opposes. Children have a right to be parented by one man and one woman. Saddened to hear of name calling and unkindness but fail to appreciate need to change marriage. I'm pro family.

**Christine Augello**, supports. Easy to discriminate. Mom to 2, partner, Christian, employee, patriot, 2 lesbians. Gay marriage will hurt no one. It's a matter of time. Will keep our families strong. NH won't discriminate.

**David Bates**, opposes. Does not wish to impugn motives of anyone, in particular, Rep. Vaillancourt. Commends sponsors for honest approach. Misconception of level of support. Across the country, 27 states passed amendment to protect existing laws. Only 5 states without without a prohibition against gay marriage. NH has votes on record against gay marriage. Raymond and others contrary to statistics given today. How would you limit marriage to 2 people. 94% of people disapprove of homosexual marriage. In Massachusetts schools promote homosexual lifestyle through books as early as kindergarten and justification: state has an interest in promoting diversity - heterosexual rights are violated.

**Keith Tolley**, opposing, pastor of Seacoast Community Church, opposes. Says religious freedom but not about that. I'm not required to do any weddings. Don't think it is in the best interests of citizens in NH. Same gender marriage the same as same gender parenting. Not a good idea.

**Guydell Power**, opposing. 14 year resident. Want to protect rights of son. Christian, don't change.

**Rep. Nancy Elliott**, challenges the chair and 3 minute rulings, Article 3-1 of part 1. Masons Rules, no motion to limit debate allowed.

**Roger Bleau**, supporting. Was homophobic for years till only daughter came out. Popular or not, this bill is right. Son of Senator Paquette of Nashua. Past Senator.

**\*Diane Murphy Quinlan**, opposing, submitted written testimony, representing Diocese of Manchester. Children need loving stable relationship of a mother and father. Not a matter of civil rights. State must provide other laws to protect and not tamper with marriage. Our rights and responsibilities to be here today to express our beliefs.

**Rep. Dan Itse**, opposing. Matter of longstanding and basis of western civilization. Religions and beliefs of few should not be imposed on many. Few rights now denied. Children and Family Law just recommended second parent adoption. Retain or recommend inexpedient. In Vermont an increase in out- of -wedlock births in 2 years.

**Ken Bosse**, representing New Life, opposing. Would lay down life for anyone in room but would not lay down convictions. Civil rights derive from the Constitution and does not believe this conforms. This is a learned behavior. There is no homosexual gene. He has heard speech in this chamber that is threatening to him and Christophobic. Ministers are bringing up facts, others are bringing up hypotheticals. Inconsistent with scientific evidence and Constitution.

**Rep. David Pierce**, supports. Reasons heard opposing bill are empirical or based on misunderstanding of bill. Loving v. Virginia and other cases declared marriage as fundamental right. Concern of this bill leading to other consequences leads to conclusion that the same-sex marriage bill is not harmful. Argument that heterosexual marriage is for raising of children is both over broad and over narrow. Procreative decisions are left to the individual, not the government. Studies on children of same-sex couples show no empirical differences from heterosexual couples children. Scripture replete with folks like King David with multiple wives. Raised in the south with black people in back pews of the church.

Chairman Cote: House legal counsel and clerk advise that <sup>cloture</sup> closure can only be challenged when announced.

**Claire Ebel**, supporting, representing NH Civil Liberties Union. Congratulates sponsors - it's about time. Relationship between 2 loving adults should be cherished and fostered. In a traditional marriage, women were property of men, men controlled their lives and their reproductive health. Many gays and lesbians are parents. The civil contract of marriage between them should have no racial or gender discriminations. There is no justification for prohibition but bigotry.

**Dan Hogan**, opposed. New Hampshire eliminated inheritance tax 4 years ago. No additional rights were conveyed by virtue of association with other pilots in training. Marriage is finalized by consummation, with intent to procreate, and homosexuals cannot do that. In Vermont less than 10% of people eligible for civil unions have taken advantage. Thinks 1.5 to 2% of population homosexual, not 10% as stated here.

**Rev. Stephen Eddington**, supports bill, representing Unitarian Universalist Church of Nashua. Denomination has accepted services of holy union. Saddened cannot issue marriage license. All couples desiring to marry should be allowed to do so. Same sex couples and their children participate in and enrich life of all persons in church. No reason to deny rights except to enforce other religious beliefs. Question Rep. Weber-- Is it okay if you can't sign marriage certificate. Yes, if same for everyone.

**Joel Klinker**, supporting. Citizen and war veteran. As veteran, guns and explosives did not change their effectiveness based on whether used by homosexuals or heterosexuals. Has never believed homosexuals any less than himself. To not endorse bill, creates underclass of people and an oppressive atmosphere. Not duty of state to impose morality on citizens, nor affliction on some and advantage to others. Must protect whole. As a Marine, values their personal choice even if it conflicts with his own. Give all citizens equal rights. All are Americans.



**Brian Key**, supporting. This is once in a lifetime opportunity for the committee to recognize rights, not restrict liberty. Committee should recognize marriage equality by legislature other than a court order. Prove an example for our children.

**Tess George**, supports, representing NH Faithful Democracy, representing all Unitarian Universalist churches in New Hampshire. Resolution of church supporting marriage of same-sex couples. Same-sex marriage performed in the church for years, and it only services to underscore the importance of marriage.

**\*Rev. Robert Finklestein**, supporting, submitted written testimony which was read by Ms. Weeks.

**Challenge by Rep. Elliott** in allowing testimony to be given by another. All but one voted to uphold chair. Rev. Finklestein's testimony read. Unitarian Universalist history of affirming rights of all persons. Saddened by inability to sign civil certificate for all couples married in her church. Difficulties experienced by terminally ill church member.

**Diane Lacy**, supporting, representing State Employees Association. The employee body is diverse - □single parent families and two parent families. Significant number of members, and see no reason to deny others rights. Personally, was married, Catholic, has had the opportunity to live the American dream. When she realized that she was a lesbian, felt stripped of status and wants it back. She is a good citizen, homeowner, entitled to have her status back.

**Hon. Hilda Sokul**, supporting. Approves of all the gender-neutral changes to statutes. The 5% - 10% of population who do not **choose** to be homosexual deserve equality. To limit equality is profound injustice.

**Dan Drolet**, supports. Is here not as a gay teenager, aspiring teacher and victim of verbal abuse, but as advocate of civil rights for those denied their full potential. How can you affirm truth, justice, and other rights and continue to deny rights. American Psychological Assn. found parent effectiveness and welfare of children

unrelated to sexual orientation. Concern for children of same-sex couples requires marriage equality. Radical ideas include racial equality and equality for women. Please extend to same sex couples.

**Josane Cumandala**, supporting, representing Seacoast Outright. 15 years old and taking civics at Dover High School. Learning about Declaration of Independence. Unjust to deny homosexual couples right to marriage. Please support bill.

**Sean McKenna**, supporting. Heard about percentages and ratios, but marriages are about love, not numbers. Came out at 16, now 18, doesn't plan a marriage soon but wants bill passed now.

**Mitchell Kissick**, supporting. Freshman at Dover High School. Came out to parents at 12, got more love and acceptance than expected. Would like to be able to pass love and acceptance to children. Person no less a person because of sexual orientation.

**Brittany Boyle**, supporting. 19-year old lesbian. Read poem about feelings about her relationship. Wants acceptance, not anger.

**David Weber**, supporting. Heterosexual board member of Freedom to Marry. Gay marriage would not undermine marriage, just put all on equal footing. Do not give message that orientation disadvantages for full rights. Past discrimination rejected, attitudes changing. You can advance this hopeful shift or retard it. Law should catch up with the culture.

\***Rev. Ralph Abele**, supporting. United Church of Christ. NH Conference, 25th Synod voted to extend rights of marriage to same sex couples. But that right of freedom of religion is denied by State of New Hampshire. Please extend freedom of religion.

**Question - Rep. Janet Wall** - speaking on our own behalf? Yes, with the knowledge of church.

**Rev. Leslie Norman**, supporting, representing United Church of Christ. Was there when equality regulation was passed □ the resolution urged the civil authorities to remove any impediment to marriage equality. 3 years ago was invited to officiate in Massachusetts marriage of son and son-in-law. Was asked to say ceremony was a re-commitment of a promise made 11 years earlier. Please don't make wait longer.

**Beth McGuinn**, supporting. Parnter in relationship for 17 years, known for 25 years, are married in UCC church. Has opposed many bills making relationship more difficult - happy to have bill to support. Same sex couples already raising families. Please support them and do not treat as third class. Consider civil marriage separate from religious marriage. Government has interest in strong, healthy families, w/responsibilities to each other. In 1522 Martin Luther said "marriage has fallen into awful disrepute". Marriage has not been perfect. Women as property, multiple partners, women married as children. Change of marriage over time is good. What is right is not always popular, and what is popular, not always right. Took 60 years for women to obtain right to vote. Take a stand now.

**Hon. Carol Freidrich**, supporting. Honor motto of state, Life Free or Die. History of weighty decisions given. Speak out for the minority.

**Janet Barsorian**, supporting. Explored laws of Canada, had civil marriage there. They now feel more committed to each other, no other change. Laws discriminating against even one couple must be changed. About -learned behavior - she was not ever taught it. Came to New Hampshire apprehensively, but very welcomed. Just consenting adults waiting for rights.

**Susan Bruce**, supporting. Woman, wife, mother, UU member and advocate for social justice - protecting marriage - is bogus. Not trying to diminish it, just extend it. We want to protect families of state. 791 eliminates need for churches to perform distasteful acts. This is sensible and sensitive. None of us long for segregation. Accept congratulations of children and grandchildren for making change.

**Sue LeVan**, supporting. Has two children, boy and girl, one gay, one not □ wants both to have same rights to dreams and fulfillment. Descendants of Huguenots who fled discrimination and wants to continue that fight. Wants liberty and justice for all.

**Rebecca Jordan**, supports bill strongly. Wants separation of church and state and equal rights. What if 6-year old daughter is not heterosexual. Pass bill for future.

**\*Robert Tonneberger**, supporting, submitted written testimony. Testifying for Byron Sutherland. First time appearing to support a bill. Will leave brief history of marriage. Partner is flight attendant. Has crashpad in Massachusetts. Could be married in Massachusetts but not in New Hampshire. When he crosses the border, would no longer be married. Medical proxies are kept in car. Wants to be married in his own state. Reflections or portraits on wall of Reprs. Hall. Lincoln was manic depressive. What would he do today. Please recommend passage.

**Judy Nute**, supporting. Has grown by her friendship with gay persons. She was married in a civil marriage ceremony to her husband and wouldn't want civil union. Wants to give all the same rights she has.

**Trevor Chandler**, supporting. Demographic crisis in state with influx of elders and outflow of young people. If the bill is not passed, will lose more young people and taxpayers. Will also address voter apathy among young people. Need to work for youth vote. Support for equality overwhelming on college campus. Protect NH tax base to support the elderly

Chair - law school?

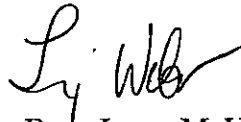
Answer - political science and student government.

**Brendan Denehy**, supporting. This is a historic day. First time discussing marriage equality. 10 years ago the state banned discrimination in housing, etc. The opponents predicted gave consequences which did not materialize. Nothing bad happened when Massachusetts extended rights, lowest divorce rate in the country. Wants all rights of married persons, morally and ethically married by justice of the peace. Wants 86-year old mother see him legally married.

**Ann Copp**, opposes. Not a civil rights issue. Marriage is about the next generation. Don't want social experiment. Rosie O' Donnell quoted again. Children need both parents. Should not redefine marriage for all to extend acceptance to gays and lesbians. Let the people vote.

**Judy Hernandez**, supporting. No one has spoken to actual document. Has wife, son, daughter, 3 grandchildren. Doesn't want homosexual marriage. Just wants marriage between one person and another person. Bill says 2 people, hers is 2 women.. Her family has lots of men and women to be in lives of kids □ that's better than single parents. Wants her community to give her marriage license. Only 1 person in her community has ever opposed - her Representative. Just make marriage non-gender specific.

Respectfully submitted,



Rep. Lucy McVitty Weber  
ACTING CLERK OF THE COMMITTEE



Substitute

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON

HB 791

BILL TITLE: marriage for same gender couples

DATE: 3-14-07

LOB ROOM: {RM #}

Time Public Hearing Called to Order: 1:00

Reps Hall

Time Adjourned: 5:10

(please circle if present)

**Committee Members:** Reps. D. Cote, ~~Wall~~, ~~Potter~~, ~~Lasky~~, ~~Espiefs~~, ~~Morrison~~, ~~Shurtleff~~, ~~Baxley~~, ~~Hackel~~, P. ~~Preston~~, G. ~~Richardson~~, ~~Weber~~, ~~Sorg~~, ~~Rowe~~, ~~Mooney~~, ~~Buxton~~, N. ~~Elliot~~, Francoeur, DiFruscia and ~~Bettencourt~~.

**Bill Sponsors:** {Type SPONSORS' NAMES}

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep Maureen Buckley, sponsor, supports

Rep Marlene, De Chane, sponsor, supports

Sen. W. Jarneway, supports.

(Queensway cont'd)

denial of dignity.

\* Rep Steve Kellum cont - support this bill over the civil bill I sponsored. A paid governor will veto. But let him, I'll vote for it. Unopposed as I support this 100%. Recall ~~heroic~~ <sup>often</sup> teachers in Vergennes, VT., taught life, more ~~of~~ <sup>often</sup> than vocabulary. Part of a lesbian couple.

Rod Stewart's "Georgie" - Out in before to let.

Red Badger, Steven Coene "The Drivings Chassis"  
I have the courage to run with this.

\* Brian Peter - supports, N.H. FTM board member. Traveler to many towns in this role. People here have great understanding of individual rights. He signed the petition 4 N.H. Granite State Poll.

61% said favor allowing gays to get marriage certificates

74% allow license from Justice of Peace.

\* Dawn Touzin - since 1983, advocating rights for gays.

Supports, Board Chair of N.H. FTM.

I have 5000 signatures for civil marriage

Some say lesser form will do. We don't believe so.

Separate but not equal not sufficient

One of the best attorneys of Devine Mellemont

told us contracts were best we could get but

not enough.

\* Catherine Self - Couple 9 years and residents of VT. Our Carmine child is a N.H. native but lived where not legally protected by civil marriage. Yes, new laws but we knew we lived among fair minded individuals to

by the time she is old enough to understand.

\* Melissa Weeks - A lesbian widower. Partner and I had a holy union in Patuxent in church. However, we paid higher taxes, taxes on money she left. Candy funded on = rights for all. We went to revolution for this & yet today after all my generation of my family have fought and yet, we have why do we pay equal taxes when no = rights.

Reduce taxes until equal rights.

Rep Baldassarro - <sup>opposes</sup> left MA because didn't like what was happening there. Give the question to the voters.

George Lundborg - <sup>supports</sup> If people are in love they ought to be able to get married. It's not simple.

Elizabeth <sup>Emerson</sup> Barnegat - <sup>supports</sup>, has gay son, discovered she was gay, had wedding in Dover Meeting House and married in MA. When we moved to Barnegat, our rights evaporated.

Michael Hayden - Legally married lesbian transsexual married since six years. My marriage recognized but other not. We have health care benefits. I have 4 children. Don't support Civil Marriage to recognize love and commitment. It's the right thing to do.

\* Carol Parks - owned and operate Lord Kiers Farm, 3 children and grand children. Demand we treat all couples equally. man and one woman

Daniel Anderson <sup>opposes</sup>. Children have right be be parented by one. Sadder to hear of name calling and unkindness but still appreciate need to change marriage to improve family.



Angello

Christine Angello - Supports. Easy to discriminate. Mom to 2, partner, Christian, employee, patriot, B. Calen 2 lesbian. Gay marriage will hurt no one. It's a matter of time. Will keep our families strong. NH won't discriminate.

David Bate - oppose. Does not wish to engage motives of anyone, in particular, not Rep Vallaincourt. Commends sponsors for honest approach. Misconception of level of support. Accross only - 27 states passed amendment to protect existing laws. Only 5 states without a prohibition against gay marriage. N.H. has votes on record against gay marriage. Raymond and others. Contrary to St. Thosky given today. How would you limit marriage to 2 people. 94% of people disapprove of homosexual marriage. In N.H., schools promote h. life style through books as early as kindergarten. Justification: State has an interest in promoting diversity. Heterosexual rights are violated.

Wendy F. Keith Polley - pastor of Sacred Community Church, opposes, says religious freedom but not about that. I'm not req'd to do any wedding. Don't think it's in the best interests of citizens in N.H. Same gender marriage the same as same gender parenting, not a good idea.

Georgel Power - 14 year resident. Oppose. Want to protect rights of son. Christian, don't change.

Harvey Elliott - Challenge the chain a 3 member ruling.

Article 32 of part 1,

Masons, no motion to limit debate allowed.

Roger Blow - Was homophobic in years, but my daughter came out. Popular or not, this bill is right.

\* Diane Muzzey Amuntan - Chancellor of Diocese of Vermont. Oppose HB 191. Children need loving stable relationship w/ a mother & father. Not a matter of civil rights. State must provide other laws to protect and not tamper with marriage. Our right and responsibility to be here today to express our beliefs.

Rep Dan Itoe - oppose. Matter of longstanding and basis of western civilization. Religions and <sup>beliefs of fear</sup> ~~rights~~ should not be imposed on the many. Few rights now denied.

Children's Family Law just recommended 2nd parent adoption. Releas or recommended impeded Vermont, increase spent of wedlock but in 2 years.

Ken Bossy <sup>oppose</sup> Would lay down life for anyone in room but would not lay down convictions. Civil rights derive from Constitution and does not believe this conforms.

This is a learned behavior. There is no homosexual gene. He has heard speech in this chamber that is threatening to him and Christopher. Minutes are bringing up facts, others are bringing up hypotheticals. Inconsistent with scientific evidence and Constitution.

Hon David Pierce supports. Reasons heard opposing bill are empirical or based on misunderstanding of bill  Loving v. Virginia  & other cases declared marriage as fundamental rights. Concern of this bill leading to other consequences leads to conclusion that the same-sex marriage itself is not harmful. Argument that heterosexual marriage is for raising of children is both over broad and over-narrow. Procreative decisions are left to the individual, not the government. Studies on children of same-sex couples show no empirical differences from heterosexual couples children. Scripture replete with folks like King David with multiple wives. Raised in south with black people in back pews of church.

Chair: House legal counsel & clerk advise that closure can only be challenged when announced.  Claire Ebel  <sup>support</sup> NHT Civil Liberties Union. Congratulates sponsors - it's about time. Relationship between 2 loving adults should be cherished and fostered. In traditional marriage, women were property & men controlled their lives & reproductive health. Many gays and lesbians are parents. The civil contract <sup>of marriage</sup> between them should have no racial or gender discriminations. There no justification for prohibition but bigotry.

Rev Hashwood , opposed, but not still available

Dan Hogan opposed. NH eliminated inheritance tax 4 years ago. No additional rights were conveyed by virtue of association with other pilots in training. Marriage is finalized by consummation, <sup>with intent to procreate.</sup> and homosexuals cannot do that with Vermont less than 10% of people eligible for civil unions have taken advantage. Thinks 1.5 to 2% of population homosexual, not 10% stated here.

Rev. Stephen Eddington seeks support for bill. U.U. church of Nashua. Denomination has accepted services of holy union. Saddened cannot marriage license.

All couples desiring to marry should be allowed to do so. Same sex couples & their children participate in and enrich life of <sup>all</sup> persons in church. No reason to deny rights except to enforce other religious beliefs. Walter: Ok if can sign civil marriage certificate? Yes, if same for everyone.

Joel Kleber Citizen & War Veteran. As veteran, guns and explosives did not change their effectiveness based on whether used by homosexuals or heterosexuals. Has never believed homosexuals any less than himself. To not endorse bill, creates undecided of people and is oppressive atmosphere. Not duty of state to impose morality on citizens, nor affliction on some and advantage to others. Must protect whole. As a Marine, values their personal choice even if it conflicts w/ his own.

Give all citizens equal rights. All in Americas.

Brian Key <sup>support</sup> This is once in a lifetime opportunity for committee to recognize rights, not restrict liberty. Committee should recognize marriage equality by legislature rather than court order. Provide an example for our children.

Tess George <sup>support</sup> NH Faithful Democracy, representing all Unitarian Universalist churches in N.H. Resolution of church supporting marriage of same-sex couples. Same-sex marriage performed in the church for years, and it only serves to underscore the importance of marriage <sup>celebration</sup> <sup>in NH</sup>.

Rev Barbara Jiscourt's letter read.

- recess -

3:58 Rev Robert Finklestein <sup>support</sup> had to leave. testimony to be read by Ms. Weeks.

Challenge by Rep Elliott to allowing testimony to be given by another.

All but 1 voted to uphold chair.

Rev. Finklestein's testimony read. UU history of affirming rights of all persons. Saddened by inability to sign civil certificate for all couples ~~married~~ married in her church. Difficulties experienced by terminally ill church member.

Diane Lacey <sup>support</sup> State Employees Association - employee body is diverse - single parent families

two parent families. Significant number of members,  
and see no reason to deny others rights.

Personally, was married, Catholic, had  
opportunity to live America dream. When she  
realized that was lesbian, felt stripped of  
status and wants it back. Good citizen,  
homeowner, entitled to status back.

Hon Hilde Schol of Hanover, in support. Approves  
of all the gender-neutral changes to statutes. The  
5% - 10% of population who do not choose to  
be homosexual deserve equality. To limit  
equality is profound injustice.

Ananda Miller - supports but no longer present.

Don Bolet - supports here not as gay teenager, aspiring  
teacher and victim of verbal abuse, but as  
advocate of civil rights for those denied their  
full potential: How can you affirm truth, justice,  
and other rights and continue to deny rights.

American Psychological Assn found parent effectiveness  
and welfare of children unrelated to sexual  
orientation. Concern for children of same-sex  
couples requires marriage equality. Radical  
ideas include racial equality and equality for  
women. Please... end to same sex couples.

Josaine Camandata. 15 years old of taking civics  
at Dover H.S. Learning about Def Independence.  
Unjust to deny homosexual couples right to

marriage. Please support bill.

Shawn McKenna Heard about percentages and ratios, but marriages are about love, not numbers. Came out at 16, now 18, doesn't plan a marriage soon, but wants bill passed now.

Mitchell Kissack Freshman at Dover H.S. Came out to parents at 12, got more love and acceptance than expected, would like to be able to pass love and acceptance on to children. Person no less person because of orientation.

Brittany Boyle 19 year old lesbian. Read poems about feelings about her relationship. Wants acceptance, not anger.

David Weber, heterosexual Bd member of Freedom to Marry. Gay marriage would not undermine marriage just put all on equal footing. Do not give message that orientation disadvantages for full rights.

Past discrimination rejected, attitudes changing. You can advance this hopeful shift or retard it. Law should catch up w/ culture.

Rev Sarah Stewart - support. } left

Ms Conway - support

Rev Ralph Abbott, <sup>Abete</sup> United Church of Christ. N.H. Conference, 25<sup>th</sup> synod voted to extend rite of marriage to same sex couples. But that right of freedom of religion is denied by State of N.H.

Please extend freedom of religion <sup>will</sup>. Speaking on our behalf? Yes w/ knowledge of church

Rev Leslie Nomad Was there when equality resolution was passed - the resolution urged the civil authorities to remove any impediment to marriage equality.

3 years ago was invited to officiate in Mass @ marriage of son and son-in-law. Was asked to say ceremony was a recommitment of a promise made 11 years earlier. Please don't make me wait longer.

Shelly & Jennifer Suter - absent - in support.

EAK Sander, absent.

Beth McQuinn, in support. Partner in relationship 17 years, know 25 years, are married in UCC church. Has opposed many bills making relationship more difficult - happy to have bill to support. See set couples already raising families. Please support them and do not treat us 2nd class. Consider civil marriage separate from religious marriage. Govt has interest in strong, healthy families, w/ responsibilities to each other. In 1522 Martin Luther said "marriage has fallen into awful disrepute". Marriage has not been perfect. Women as property, multiple partners, women married as children. Charge of marriage over time is good. What is right is not always popular, & what popular, not right. Took 60 years for women to obtain right to vote. Take a stand now.



Mary Townsend in support, absent  
Hon. Carol Friedrich <sup>support</sup> Honor motto of state "Live Free or Die. History of weighty decisions given. Speak out for the minority.

Janet Arsenia Explored laws of Canada, civil marriage there. They now feel more committed to each other, no other change, laws discriminatory against us - we couple must be changed. About "learned behavior" - she was not ever taught it. Came to NH apprehensively, but very welcomed. Just wanting adults' writing rights.

Susan Bruce Jackson NH - woman, wife, mother, UU member and advocate for social justice. "Protecting marriage" is bogus. Not trying to diminish it, just extend it. We want to protect families of state. 791 eliminates need for churches to perform distasteful acts. This is sensible & sensitive. None of us long for segregation. Accept consequences of children & grads for making change.

Rachael Booth - supporting, not here.

Sarah Van <sup>Lumma?</sup> of Nashua. 2 children, boy & girl, one gay, one not - wants both to have same rights to dreams & fulfillment. Descendants of Huguenots who fled discrimination and wants to continue that fight. Wants liberty & justice to be for all.

Rebecca Jordan supports bill strongly. Wants separation of church ~~and~~ & state and equal rights. What if 6-yr-old daughter is not heterosexual. Pass bill for future.  
Robert ~~Conner~~ <sup>Tennepeter</sup> ~~Conner~~ <sup>for Byron</sup> ~~Conner~~ <sup>sponsored.</sup> First time appearing to support bill. Will leave brief history of marriage. Partner is flight attendant <sup>has checked pd in Mass.</sup> could be married in Mass but not in NH. What cross border would no longer be married. Medical proxies are kept in car. Wants to be married in own state. Reflections on portraits on wall of Reps Hall. Lincoln was manic depressive. What would he do today? Please received passage.

Judy Nute. Has grown by her friendship with gay persons. She was married in a civil <sup>marriage</sup> ceremony to her husband and wouldn't wait civil union. Wants to give all same rights she has.

Allison Smith - absent supports

Trevor Chandler - Laconia & Plymouth State. Demographic crisis in state w/ influx of elders and outflow of young people. If do not pass bill, will lose more younger people and taxpayers. Will also address voter apathy among young people. Need to work for youth vote. Support for equality overwhelming on college campus. Protect NH tax base to support the elderly. Chair - law school? Ans political science & student govt.

Ann Bannister - opposed

3  
Heri Hago - i - support, absent

Brian Dunczyk<sup>Dunczyk</sup>, Historic day. First time discussing marriage equality. 10 years ago, state banned discrimination in housing etc. The opponents predicted grave consequences, which did not materialize. Nothing bad happened when Mass extended rights, lowest divorce rate in country. Wants all rights of married persons, morally and ethically married by J.P. Wants 86 yr old mother see him legally married.

Ann Copp<sup>Spach?</sup> Opposes not civil rights issue. Marriage is about next generation. Don't want social experiment. Rosie O'Donnell quoted again. Children need both parents. Should not redefine marriage for all to extend acceptance to gays & lesbians. Let the people vote.

Dennis Kehler<sup>Club</sup> - supports - absent

Judy Hernandez No one has spoken to actual document. Has wife, son, daughter, 3 grandkids. Doesn't want homosexual marriage. Just wants marriage between one person and another person. Bill says 2 people, hers is 2 women. Her family has lots of men and women to be in lives of kids - that's better than single parents. Wants her community to give her her marriage license. Only one person in her community has ever opposed - her Representative. Just make marriage non-gender specific. Adjourned 5:10pm.

# Sub-Committee Actions

**HOUSE COMMITTEE ON JUDICIARY**  
**SUBCOMMITTEE WORK SESSION ON HB 791-FN**

**BILL TITLE:** relative to religious freedom and civil marriage.

**DATE:** March 22, 2007

**Subcommittee Members:** Reps. Lasky, Weber, Morrison, Baxley, and Elliott

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep. OLS Document #: 2007 0899h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Weber

Seconded by Rep. Morrison

Vote: 3-2

**Motions:** OTR, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Weber

Seconded by Rep. Morrison

Vote: 3-2

Respectfully submitted,

Rep. Bette Lasky  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON JUDICIARY  
SUBCOMMITTEE WORK SESSION ON HB 791

**BILL TITLE:** relative to religious freedom and civil marriage.

**DATE:** 3/22/07

**Subcommittee Members:** Reps. Weber, Morrison, Baxley, Elliot, Lasky

**Comments and Recommendations:**

**Amendments:** 0899h

Sponsor: Rep. Weber	OLS Document #: 0899h
Sponsor: Rep. Morrison	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Weber

Seconded by Rep. Morrison

Vote: 3-2

Y/Lasky N/Baxley  
Weber Elliot  
Morrison

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Weber

Seconded by Rep. Morrison

Vote: 3-2 same as above

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

Bette Lasky

# Testimony



File Copy.

# NEW HAMPSHIRE AFL-CIO

EXECUTIVE VICE PRESIDENT

John V. Amrol  
**FILE COPY**

PRESIDENT

Mark S. MacKenzie

SECRETARY/TREASURER

William A. Stetson

PRESIDENT EMERITUS  
Harland W. Eaton

SECRETARY-TREASURER  
EMERITUS  
Saverio M. Giambalvo  
James D. Casey

161 LONDONDERRY TURNPIKE  
HOOKSETT, NH 03106  
PHONE: 603-623-7302  
FAX: 603-623-7304  
E-MAIL: [solidarity@nhafcio.org](mailto:solidarity@nhafcio.org)  
WEBSITE: [www.nhafcio.org](http://www.nhafcio.org)

Testimony in Support of HB 791: Relative to religious and civil marriage  
House Judiciary Committee  
March 14, 2007

We are submitting testimony in support of HB 791. Our support is based on a long tradition in the labor movement in supporting equality for all. Labor has been a leading force in this country for securing domestic partner benefits and adding sexual orientation and gender identity to non-discrimination clauses by including these demands in our collective bargaining agreements. We have also supported state legislation that bans discrimination of any kind.

There are many AFL-CIO policy documents affirming our stand in support of equal rights. I will take just a moment to quote briefly one:

“Forty years ago, the United States was thrust into a grave national crisis of profound moral and legal dimensions. Slavery had been banned in the previous century, and the Supreme Court had recently outlawed the odious “separate but equal” doctrine... Around the nation, deep-seated hostilities and entrenched patterns of segregation created walls, fences and barriers that were harder to see but every bit as difficult to cross as the *de jure* lines in Mississippi and Alabama....

We are proud that during those dark days of our nation’s history, the working men and women of the AFL-CIO stood side by side with their brothers and sisters in the civil rights movement, determined to erase the blight of discrimination and bigotry from our land. They knew then, as we know now, that an injury to one is an injury to all; that none of us is truly free until all of us are free; that ugly prejudices of any sort debase us as a nation, as a people and as a movement.”

Often in our history, people have opposed the extension of equality to those who were excluded. Years later, they realize that the extension of liberty to others does not diminishes their own; rather it moves American democracy forward. Forward toward the goal the founders set out in the Constitution, “to form a more perfect union.”

Same sex couples who participate in loving and devoted relationships and who raise families together deserve true equity under the law. Good public policy should demand the fair treatment of all of its citizens. HB 791 provides for that fair treatment and opens up a pathway for full protections and participating by same sex couples.

I’ll close with a final quote from our policy paper - “We are an imperfect people, striving to form a more perfect union. We have begun the journey and made great strides along the way, but we have a long way yet to go.” The bill you have before you here today is one of those important steps forward in equality for all Americans. Mr. Chairman, members of the Committee, I urge you to vote to pass HB 791.



Testimony in favor of HB 701  
Rev. Roberta Finkelstein  
South Church, Portsmouth, NH  
Wednesday March 14, 2007

 FILE COPY

I'm Rev. Roberta Finkelstein, an ordained Unitarian Universalist minister currently serving South Church in Portsmouth, NH. I speak on behalf of a congregation of 500 or so people who have affirmed their support for equal rights for all persons, including gay and lesbian people. South Church is a member of the Unitarian Universalist Association, a voluntary association of more than 1,000 congregations across the country. The Unitarian Universalist Association has a long history of supporting human rights for all persons. An important part of our faith covenant is to affirm the inherent worth and dignity of all persons. Discrimination of any kind is against our religious convictions.

I have had the privilege of officiating at many weddings. It saddens me that when I perform a ceremony for a committed and loving gay couple, I cannot sign a legal marriage license for them. I know that they intend to live in the same faithful, mutually respectful, and loving relationship as a heterosexual couple. The state, by refusing to recognize these marriages, infringes on my religious freedom by imposing a religious value that I do not share.

Recently I walked with a loving couple through the terminal illness and death of one partner. As though it wasn't difficult enough just to be faced with this illness and loss, they had the extra stress of having to consult a lawyer on several occasions to make sure that their relationship would be recognized – they wanted to be able to make decisions about health care proxies, funeral arrangements, and legacies.

I encourage you to support HB791. To recognize and make legal the marriage between two loving and committed gay people is a simple civil right. To continue to refuse to recognize the legality of these relationships, and to continue to prevent willing clergy from officiating at these ceremonies, is simply wrong.

Quinnipiac Poll

Nov. 13, 19  
2006

12/7-12/04	43	53	4
7/18-22/04	39	55	6
3/16-22/04	41	51	8

FILE COPY

"The New Jersey Supreme Court recently ruled that homosexual couples are entitled to the same rights as heterosexual ones and that state legislators must rewrite New Jersey laws to make this happen. If you had to choose in your state, which would you prefer: allowing same-sex couples to form civil unions or allowing same-sex couples to get married?"

	Civil Unions %	Marriage %	Neither (vol.) %	Unsure %
11/13-19/06	44	24	27	5

FOX News/Opinion Dynamics Poll. Nov. 4-5, 2006. N=900 likely voters nationwide. MoE ± 3. LV = likely voters. Except where noted, results below are among registered voters.

"Do you believe gays and lesbians should be allowed to get legally married, allowed a legal partnership similar to but not called marriage, or should there be no legal recognition given to gay and lesbian relationships?"

	Legally Married %	Legal Partnership %	No Legal Recognition %	Unsure %
11/4-5/06 LV	30	30	32	7
6/13-14/06	27	25	39	8
5/04	25	26	40	9
3/04	20	33	40	7

CBS News/New York Times Poll. Oct. 27-31, 2006. N=1,084 adults nationwide. MoE ± 3 (for all adults).

"Which comes closest to your view? Gay couples should be allowed to legally marry. OR, Gay couples should be allowed to form civil unions but not legally marry. OR, There should be no legal recognition of a gay couple's relationship."

	Legal Marriage %	Civil Unions %	No Legal Recognition %	Unsure %
ALL adults	28	29	38	5
Republicans	12	29	54	5
Democrats	41	27	29	3
Independents	28	31	35	6
Trend:				
6/06	27	30	40	3
2/24-28/05	23	34	41	2
11/18-21/04	21	32	44	3
7/11-15/04	28	31	38	3
5/20-23/04	28	29	40	3
3/10-14/04	22	33	40	5

Newsweek Poll conducted by Princeton Survey Research Associates International. Oct. 26-27, 2006. N=1,002 adults nationwide. MoE ± 3 (for all adults).

File Copy

★ **American Friends Service Committee** ★

**New Hampshire Program**

4 Park Street, Suite 209  
Concord, NH 03302

phone (603)-224-2407  
fax (603)-228-6492

[ COPY

Testimony in support of HB791

It is time for all who want to enter a committed relationship receive equal support from the state towards that end.

I would suggest to you, as a former priest in the Episcopal Church and now as a Quaker, that it is time for the state to preside over equal laws for marriage or a state civil unions and leave religions to do as they choose. It is time to separate church and state in these matters. As a priest I was very uncomfortable with the role of suddenly being an agent of the state when it came to marriage of any kind. I kept asking my professors in seminary and my bishop why, when church and state are usually kept carefully separate, are they joined here? No one had a good answer. Convenience was as close as anyone came.

I would suggest that we rewrite all of the statutes on marriage. Create a civil union for all who wish to enter a legal committed relationship that is regulated by the state. If a couple wants, that might be sufficient. It could be a small or large ceremony with an officer of the state. Their choice. If they desire a religious ceremony to bless that union, they are free to do so. Religions are free to do as they see fit on this issue.

What is important and is the role of this legislature, is that the state treat all committed relationships equally.

Thank you.  
Martha Yager  
AFSC-NH  
Resident of Henniker NH

Presented at Representative's Hall  
Concord, NH  
14 March 2007  
Public Hearing

FILE COPY

Ladies and Gentlemen:

My name is Joel Klinker, and I am here today to present my testimony as a citizen of the State of New Hampshire and as a war veteran of the United States as it pertains to HB 791.

HB 791 is a bill that would create marriage equality in New Hampshire for individuals of homosexual persuasion. In no uncertain terms does it do anything but provide gender neutral regulation of who is legally recognized within the realm of marriage according to our socially accepted norms.

I am not of homosexual persuasion personally, and I do not represent any other private or public interest besides myself as a citizen. I am a white male of Christian beliefs; so I hope that I have somewhat illustrated that I have no personally perceived self serving interest in addressing any parties gathered here today for what I am about to say.

It has been my experience as a Marine Sergeant working in tandem with men and women of homosexual persuasion while serving our Country that the explosives we worked with or rifles we fired were every bit as accurate in the hands of a homosexual as they were in my own. Regardless of which war I was involved in, Kosovo or Iraq, I found this to be true in any climate: the abilities of my Marines did not change on the basis of their sexual preference.

Since my honorable discharge I have had the opportunity to come into contact with many citizens of New Hampshire identifying with homosexual beliefs or living homosexual lifestyles. In my extensive work with them I have never felt reason to judge them as less than myself, or their beliefs as invalid due to their difference from my own.

In this debate over gender neutrality as it pertains to marriage I believe that our great State of New Hampshire must recognize that it is not with the bias of religion that we must think. I believe what we must realize is that our State is a composition of people who agree to abide by certain laws in order to bring order to the chaos that human nature naturally circumvents to. Not endorsing HB 791 in my opinion forms an underclass of bastardized people left clawing for basic recognition as human beings while they are simultaneously urged to return to their contributing role to our State in whatever personal vocations they have chosen for themselves. Not acknowledging a segment of the population on the basis of the religious beliefs of another segment seems to have an air of oppression in my opinion, given our Country's basic founding principle of the separation of Church and State.

If the marriage is between two consenting, informed adults I can find no reason to judge it as an act unworthy of societal recognition. It is not the duty of the State to determine the morality of its citizens. It is the duty of the State's citizens to present what they are willing and able to live under as guidelines to peacefully coexist with one another. The State as it pertains to the government is simply an infrastructure, a stage from which its citizens are to be heard, etc. Government was not designed to be an infliction for some citizens and an advantage for others. It was designed to protect society as a whole; this is what we must do now.

Because of this HB 791 needs to be passed because our State has grown and a segment of our population that has up until now not received recognition under law is asking for just this. In my professional opinion this is the right thing to do as a governing body, even if my own personal religious beliefs directly contradict their choices in lifestyle.

If they are Americans my friends have died for their ability to choose. Who they wish to marry, what color suit they'd like to wear to work in the morning- these are things that just aren't any of my business unless they begin to detrimentally affect our living environment in some way as a State. As I cannot show that people of homosexual persuasion do this, or are of any obvious threat due to their own personal beliefs I believe the choice simply belongs in the hands of the people considering marriage- not their genders.

If they are Americans I ask you to treat them as such, to allow them to go about their lives in peace, to recognize them as citizens and afford them the rights of every other citizen of any other religious or sexual persuasion under your governance. To not do so in this case endorses segregation to me, and is therefore Un-American. Please consider this debate very carefully; never forget that when we say things like "other" as a majority represented population we are still speaking in reference to people; Americans.

Thank you for your time.

**FILE COPY**

March 14, 2007

Testimony to the Members of the Judiciary Committee, Concord, NH

I am the Coordinator of New Hampshire Faithful Democracy, the legislative advocacy organization that represents all Unitarian Universalist Churches of New Hampshire.

We support the passage of HB791.

The Unitarian Universalist church has a long-standing and deeply held commitment to support full equality for gay and lesbian people. Since 1970, when our church first began to talk about gay and lesbian issues at the national level, our belief in the inherent worth and dignity of every person has guided us to support full equality for gay and lesbian people.

In 1996, our General Assembly, a national gathering of UU ministers and lay people, overwhelming passed a Resolution of Immediate Witness in support of the right marriage for same sex couples.

Our faith leads us to act with compassion and respect toward all people, and to respect diversity of opinion and belief. In response to some of the fears expressed by opponents of same sex marriage, I would offer that Unitarian Universalists have accepted and embraced gay members and performed same sex marriage for many years. Far from eroding the institution of marriage, if anything, it has increased our understanding of how important marriage is. It will only strengthen our communities to have more people, regardless of gender, in committed, stable relationships, recognized and protected by law.

We ask the members of the Judiciary Committee to do the right thing and vote yes on HB 791.

Respectfully submitted,

Tess George, Coordinator  
New Hampshire Faithful Democracy: A Unitarian Universalist Initiative  
NH/VT District Office  
10 Ferry Street, Suite 318  
Concord, NH 03301  
603-228-8704

Representative Ed Zutter

File Copy

Here we are again. Speaking out for our right to be treated as equals.

**FILE COPY**

It's been a long haul already. For decades many people in this room and thousands and thousands of people across our country and around the world have been telling you that we are no different from you ... that we deserve the same rights and, indeed, the same responsibilities to our communities, as you. Many gay and lesbian citizens and advocates have suffered greatly in this struggle for equality. The backlash has often been powerful and cruel.

But we have, with your support, achieved social supports and legal protections .. and we have been coming out of the closet. We have, as I said last week, been taking our rightful place as hard-working members of our communities.

So here we are again. But this time we are asking for equality in our relationships in a way we have never done before. This is a momentous occasion. We are asking to say I do. In front of a Justice of the Peace. We want to be MARRIED.

Well, I have a little experience in that department. There are so many wonderful things about living in New Hampshire and one of them is the ability for many of us to be a JP. One of my jobs as an innkeeper is to perform weddings. I've done well over 150 weddings over the past 12 years.

I performed a wedding for a young couple from Tennessee last weekend. I've performed weddings for couples young and old.

First weddings. Second weddings. Third weddings. In fact the first wedding I performed was of a couple from California who had been married, raised their family, got divorced and decided B in their 60s B that they didn=t like being divorced, so they got married again. That wedding was performed at midnight on new year=s Eve. I think it had to do with tax issues, that they didn=t want to be married until after midnight.

But this couple this past weekend were the ideal image of what the concept of marriage is all about. A young couple, starting out, much in love, not too much money so they didn=t want to have a big, expensive wedding. They said they wanted something different for their wedding so they came north to the snow B instead of having the ceremony in Tennessee, which, I guess, doesn=t see much of snow.

These are some of he words that I spoke during their ceremony:

you have come to The Notchland Inn to be joined in marriage. Marriage symbolizes the intimate sharing of two lives ... yet this sharing must not diminish, but enhance the individuality of each partner. The essence of this commitment is the taking of another person in his or her entirety as lover, companion & friend. It is therefore a decision which is to be undertaken with great consideration and respect for both the other person and oneself.

May you keep this covenant you are about to make. May you be a blessing and a comfort to each other, to share in each others joys, and to console each others sorrows ... and may you love each other forever.



As it is your intention to share with each other your laughter and your tears and all that the years will bring ... by your promises now bind yourselves to each other as husband and wife:

... then they each say their *AI dos@* and their vows ...

do you take this man to be your husband, to love and cherish for as long as you both shall live?

Vows

I take you, , to be my husband and these things I promise you: I will be honest with you; I will respect, trust, help and care for you; I will share my life with you through the best and the worst of what is to come as long as we live.

Groom:, I give you this ring as a sign of my love and respect for you.

Bride:, I give you this ring as a sign of my love and respect for you.

As you begin a new life together today, may you have the faith to believe in your dreams, the courage to make them reality and the joy of taking the journey. May you have the determination to grow as a couple, the strength to stand alone and the trust to allow each other to grow as individuals. So may your love for each other grow deeper with every new dawn.

Inasmuch as you have pledged yourselves to each other by the giving and receiving of vows and rings ... by the authority vested in me by the State of New Hampshire, I pronounce you husband and wife.

What a powerful thing this marriage stuff is! How wonderful! How blessed I am to be able to be a part of the beginnings of couples= commitments to one another.

How could it be wrong for me to assist a gay or lesbian couple to make the same legal commitment to one another? How could it be wrong to help seal the commitment of two loving gay men or two loving lesbian women to each other? Bringing us into the fold -- as it were -- over the past few decades has only strengthened our society. Others may want to tell you that we are the nexus of all the problems our society is facing. But look around you. We are not the face of destruction. We are the face of hope and of commitment and of community. Supporting our desire to participate in one of the most powerful of institutions, marriage, will only bring us more into active participation in society.

There is no substitute for the social power of a marriage certificate in affirming a couple's common humanity and equality. No other legal document that I can think of -- except maybe a birth certificate! -- brings such a package of legal and social supports. No other one document can require your employer to let you go home to take care of your sick partner, or make a nursing home give you a room with your partner of 50 years, or allow you to make end of life decisions. Anyone can put a handful of basic protections in place with wills and other legal documents but they do not compare to the overall protections of marriage.

I urge you to support this bill. I urge you to offer us legal equality. I long to say to a gay or lesbian couple, in my official capacity as a Justice of the Peace, "I now pronounce you legally wed." I long to hear those words spoken at my wedding ceremony with, Les, my partner of 29 years.

• ◀ ▶

Thank You.

**FILE COPY**

*File Copy*

March 14, 2007

Members of the New Hampshire House Judiciary Committee  
New Hampshire Statehouse  
Concord, New Hampshire

Dear Representatives Cote, Wall, Potter, Lasky, Espieffs, Morrison, Shurtleff, Baxley, Hackel, Richardson, Weber, Sorg, Rowe, Mooney, Buxton, Elliott, Francoeur, DiFruscia, and Bettencourt:

Please accept these written comments in support of HB 791. Although I would have liked to stay to present this testimony, the need to care for my 21-month-old daughter has prevented me from doing so.

My partner, Beverly, and I have lived in New Hampshire for 20 and 13 years, respectively. We've been a couple for nine years. We own a home in Dover, pay taxes, volunteer, and attend church. We like it here, even in the mud season. We chose to have a child and we are raising her as a New Hampshire native (as much as we can, having come from Massachusetts and Florida).

One hard thing for us is that unlike most of the families living around us, Bev and I are not afforded equal recognition under the law for our relationship. Although we have tried to protect ourselves (and our daughter) to the extent that we are able under existing laws, we do not have the same rights and responsibilities afforded to heterosexual people who can be civilly married. Nothing short of civil marriage will extend the full range of those rights and responsibilities to us.

I have heard opponents of civil marriage argue, with respect to same-sex parents, that we "knew what the laws were when we decided to have a child." To that, I say, yes, we did. But, we also knew that we lived in a state (New Hampshire) with many fair-minded individuals and, like most parents, we hoped that the world was becoming a more reasonable, more just, and more loving place. We hoped that people like you would see that there is no good reason to deny same-sex couples the same rights, responsibilities, and recognition given to opposite-sex couples. We hoped that by the time she was old enough to understand, this kind of discrimination would be a thing of the past.

Please help make these hopes a reality and vote in favor of HB 791.

Respectfully,

Carina E. Self  
17 Rutland Street  
Dover, NH 03820

*File Copy*

**E X E COPY**

March 14, 2007

To: Judiciary Committee of the NH Legislature

I urge you to pass HB 791, a bill that would create marriage equality in New Hampshire.

The time has come for equality for all citizens of New Hampshire. Equality means full rights of marriage for all loving couples who want to make the commitment to care for each other and to possibly raise children together. Marriage certainly does not ensure that children will result in this day and age, nor does it mean that procreating children is a necessity. Two people being together in a loving relationship with all the rights and responsibilities of everyone else in New Hampshire is all that is being asked. There are a thousand or more rights that one acquires when married – insurance, taxes, pensions, hospital visitation, family leave, and on to nursing home issues. Creating a special category for some people just doesn't make sense.

If some couples wish to seal their union with a ceremony at a religious institution of their choosing and one that is willing to put their stamp of approval on their "marriage", that's fine. However, all couples regardless of any religious affiliation or belief system should be allowed to get the same license to be legally bound according to the laws of the state. Separation of church and state is a basic concept within the constitution. Let's make sure New Hampshire is a state where the constitution is upheld.

If you pass this bill, it will mean that both of my children will finally have equality in New Hampshire, a state where my husband and I have lived our entire lives, paid taxes, and raised our two children – one homosexual and one heterosexual, who are both tax paying productive citizens of this country.

Very simply, it is the right thing to do.

Sincerely,

*Roberta and John Barry*  
Roberta and John Barry

170 Jordan Rd.

Keene, New Hampshire 03431

FILE COPY



### U.K. air force embraces gays

The United Kingdom's Royal Air Force has paid to join the gay lobby group Stonewall's "Diversity Champions" program in hopes of making itself more attractive to gay and lesbian potential recruits. The force also is launching a major advertising campaign in the gay press, with a budget of tens of thousands of dollars.

Member organizations of the Stonewall

program are expected to do such things as sponsor gay-pride events, create a gay/lesbian/bisexual staff organization, and extend pensions to same-sex couples.

"The Armed Forces are committed to establishing a culture and climate where those who choose to disclose their sexual orientation can do so without risk of abuse or intimidation," an unnamed Ministry of Defence spokesman told London's Telegraph newspaper.

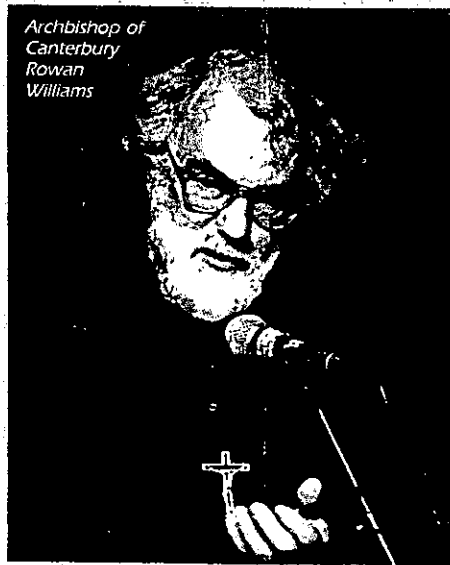
### Archbishop of Canterbury fears Anglican breakup

Disagreement over gay issues may destroy the Anglican Communion, says the communion's spiritual leader, Archbishop of Canterbury Rowan Williams.

Church conservatives object to the U.S. Episcopal Church's installation of an openly gay bishop in New Hampshire, U.S. and Canadian dioceses' support for blessing same-sex unions, and other liberal positions of individual bishops and various national churches that make up the worldwide Anglican Communion.

In the United States alone, at least 22 denominations have disaffiliated from the Episcopal Church and linked up instead with the "Convocation of Anglicans" headed by the powerful, antigay Anglican primate of Nigeria, Archbishop Peter Akinola.

"I fear the situation slipping out of my control," Williams said in a British ITV network documentary aired this month. "I fear schism. ... We can't take it for granted that the Anglican Communion will go on as it always has been."



Archbishop of Canterbury Rowan Williams

PHOTO: GEGGER OTTO JOHANSEN

More fuel was added to the fire recently when British media reported that as many as 50 gay or lesbian priests in the Church of England may have been allowed by their bishops to enter official civil partnerships without the bishops following a church order to confirm beforehand that the relationships are not sexual in nature.

### U.K. antidiscrimination laws survive challenge

The House of Lords rebuffed an attempt Jan. 10 to block the United Kingdom's new laws that prohibit discrimination based on sexual orientation in the provision of goods and services. The unelected Lords voted down the Christian-backed proposal 199-68.

Opponents argued that it would be unconscionable for the government to punish, for example, Christian owners of a bed-and-breakfast for refusing to rent a room to a gay couple.

The antidiscrimination protections already have taken effect in Northern Ireland and come into force in the rest of the United Kingdom in April.

### Swiss partnership law takes effect

Switzerland's same-sex civil-union law came into force Jan. 1 and the first couple tied the knot a day later in the southern canton of Ticino, Swiss public radio reported. The men, ages 89 and 60, asked to remain anonymous. They have been together for 30 years.

The law extends spousal rights in the areas of pensions, inheritance, taxes and immigration. It does not grant rights to adoption or fertility treatment.

Other countries with nationwide civil-union laws include Andorra, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Iceland, Luxembourg, the Netherlands, New Zealand, Norway, Slovenia, Sweden and the United Kingdom. Greenland, a self-governing overseas administrative division of Denmark, also has a civil-union law. There are state or local partnership laws in parts of Argentina, Australia, Brazil, Mexico and the United States.

Full marriage is available to same-sex couples in Belgium, Canada, the Netherlands, Spain and South Africa — as well as in the U.S. state of Massachusetts.

*File: Steve Vallant*

# The killing of Georgie, part 1 & 2

Rod Stewart

In these days of changing ways  
so called liberated days  
a story comes to mind of a friend of mine

Georgie boy was gay I guess  
nothin' more or nothin' less  
the kindest guy I ever knew

His mother's tears fell in vain  
the afternoon George tried to explain  
that he needed love like all the rest

Pa said there must be a mistake  
how can my son not be straight  
after all I've said and done for him

Leavin' home on a Greyhound bus  
cast out by the ones he loves  
A victim of these gay days it seems

Georgie went to New York town  
where he quickly settled down  
and soon became the toast of the great white way

Accepted by Manhattan's elite  
in all the places that were chic  
No party was complete without George

Along the boulevards he'd cruise  
and all the old queens blew a fuse  
Everybody loved Georgie boy

The last time I saw George alive  
was in the summer of seventy-five  
he said he was in love I said I'm pleased

George attended the opening night  
of another Broadway hype  
but split before the final curtain fell

Deciding to take a short cut home  
arm in arm they meant no wrong  
A gentle breeze blew down Fifth Avenue

Out of a darkened side street came  
a New Jersey gang with just one aim  
to roll some innocent passer-by  
There ensued a fearful fight  
screams rang out in the night  
Georgie's head hit a sidewalk cornerstone

A leather kid, a switchblade knife  
He did not intend to take his life  
He just pushed his luck a little too far that night

The sight of blood dispersed the gang  
A crowd gathered, the police came  
An ambulance screamed to a halt on Fifty-third and Third

Georgie's life ended there  
but I ask who really cares  
George once said to me and I quote

He said "Never wait or hesitate  
Get in kid, before it's too late  
You may never get another chance  
'Cos youth a mask but it don't last  
live it long and live it fast"  
Georgie was a friend of mine

Oh Georgie stay, don't go away  
Georgie please stay you take our breath away  
Oh Georgie stay, don't go away  
Georgie please stay you take our breath away  
Oh Georgie stay, don't go away  
Georgie, Georgie please stay you take our breath away  
Oh Georgie stay

## Stephen Crane - I saw a man pursuing the horizon

I saw a man pursuing the horizon;  
Round and round they sped.  
I was disturbed at this;  
I accosted the man.  
"It is futile," I said,  
"You can never -"

"You lie," he cried,  
And ran on.

File Copy

175 Quincy Road  
Longview Farm  
Plymouth, New Hampshire 03264  
March 14, 2007

FILE COPY

State of New Hampshire  
House of Representatives  
Judiciary Committee

Dear Chairman David E. Cote and Members of the Committee,

My name is Carol Perkins. My husband and I have owned and operated Longview Farm in Plymouth for 31 years. We are the parents of three grown children and cherish our three grandchildren.

**I am here in support of House Bill 791** which would remove restrictions for same sex couples and makes reference to marriage and terms associated with marriage gender neutral. I demand that New Hampshire treats all citizens equally with full recognition and rights of marriage. This "Live Free" state can show the way with full civil marriage rights for all.

Forty two years ago, when my husband and I were married in a very traditional Episcopal service, I had no idea that some citizens in NH were not able to enjoy our same marriage rights and opportunities nor did I know that one of our children would be denied marriage rights as an adult in New Hampshire. I see marriage today as a civil marriage, authorized by the State. I would leave recognition of all unions up to individual religious institutions.

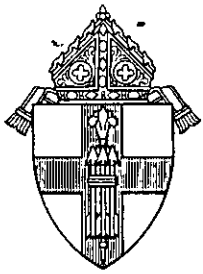
**It is time to give all citizens full civil rights in New Hampshire.**

Thank you for your consideration.

Sincerely,

*Carol Shull Perkins*  
Carol Shull Perkins (Member of Parents, Families & Friends of  
Lesbians and Gays) NH





**Diocese of Manchester**

Diane Murphy Quinlan, Esq.  
Chancellor

153 Ash Street - Box 310  
Manchester, N.H. 03105-0310  
(603) 669-3100  
Fax: (603) 669-0377  
dquinlan@rcbm.org

 **FILE COPY**

March 14, 2007

The Honorable David E. Cote, Chair  
Judiciary Committee  
New Hampshire House of Representatives  
Legislative Office Building, Room 208  
Concord, New Hampshire 03301

RE: HB905

Dear Representative Cote and Members of the Committee:

I write and appear before you today as the Chancellor of the Diocese of Manchester, and on behalf of Bishop John B. McCormack as a representative of the Catholic community in New Hampshire. I appear in **opposition** to HB905, which proposes to establish "civil unions" as legally recognized relationships. We do not believe that the establishment of a "civil union" serves the best interest of the people of New Hampshire. It is clear that "civil union" legislation like this looks to create a virtual approximation to marriage, and we believe there are more effective ways to legislate human rights for persons of the same sex than institutionalizing approximations to marriage.

The teachings of the Catholic Church regarding marriage flow first from our understanding of human nature and what is reasonable and true. While our Scripture and tradition have much to say about marriage, we believe that religious faith is not necessary to see that marriage is a unique relationship between a man and a woman.

What defines the marriage relationship is that it is based on sexual complementarity, which then makes it possible for the spouses to fulfill two equal fruits of marriage: the mutual love of husband and wife and the procreation of children. No other human relationship is the same as the marriage of one man and one woman.

Marriage is, by its nature, the exclusive union of a man and a woman. This is readily discoverable by human reason and is embedded in the law of nature. It is a truth institutionalized in human society since the beginning of time.

If one accepts this understanding of marriage and its uniqueness, then it becomes clearer why any relationship between two persons of the same sex cannot be "marriage." Neither two men nor two women can love one another as husband and wife, nor can they procreate and mutually bring the gift of new life into existence. Therefore, the matter of whether homosexual persons ought to be allowed to "marry," properly is not framed as a matter of *rights*, but one of *ability*.

The Honorable David E. Cote, Chair  
Judiciary Committee  
March 14, 2007  
Page 2

The marriage of one man and one woman also serves as a unique foundation of the common good because it is the cornerstone of family life with a particular orientation to raising children. While other relationships contribute to the common good and are part of family life, no other relationship except the love of husband and wife can "start a family."

Having said this, the Church does stand as a champion of human dignity, human rights, and justice as a requisite component of society. There are social benefits and rights that need to be guaranteed for every individual. The teachings of the Catholic Church affirm the dignity of homosexual persons and demands that they be treated with respect. In light of this, we believe that the state is responsible for developing laws that protect the rights of these individuals and to provide social benefits, including equal access to employment, housing, health care, the joint ownership of property, and the ability to make medical decisions for another.

In conclusion, I ask that you report HB905 as **inexpedient to legislate**, because I do not believe this legislation serves the common good of the people of New Hampshire. I would be pleased to answer any questions about the position of the Diocese of Manchester on this bill.

Thank you for your service to the people of the State of New Hampshire.

Very truly yours,



Diane Murphy Quinlan  
Chancellor

## HOUSE JUDICIARY COMMITTEE, MARCH 14, 2007

### TESTIMONY BY BETH MCGUINN ON HB 791

Good Afternoon, and thank you for the opportunity to testify in favor of this historic bill. I am Beth McGuinn, a resident of Canterbury. In order to understand my point of view, you should know that my partner Ruth and I have known each other for 25 years, we have been a couple for 17 years, and 13 years ago we were married in a religious ceremony by an Episcopal priest and a minister of United Church of Christ. We have supported each other in sickness and in health, for richer and for poorer, and we have experienced many hardships and joys together. Over the past 12 or so years, I have testified before this committee in opposition to a series of bills aimed at making it more difficult for Ruth and me to obtain the civil recognition of our marriage. Today, I fulfill my dream of testifying in favor of a bill promoting equal marriage for same sex couples.

I will briefly make 5 points.

1. Same sex couples are creating families. The creation of these families does not depend on any recognition of marriage, civil union or domestic partnership. The families will continue to exist and be a visible part of our society. Our choice is whether to support these families through the institution of marriage, for the good of our communities and society, or to ignore them or make their lives difficult, resulting in a loss to the community. When people are treated as second class citizens, time and energy is wasted fighting the system when it could be more productively spent raising a family or serving the community. Anything short of marriage treats our families as second class citizens.
2. The civil recognition of marriage, must be considered separately from the issues of religious marriage. The marriage we are talking about is not "sacramental" or religious marriage, it is the government's recognition of a family unit, for the protection of that family and the benefit of our community. Clearly, there are differing religious beliefs about what is right. I respect those differences and I hope you will too. **Under this bill, no church is required to perform marriages for same sex couples.** Churches opposing equal marriage, though, should not dictate what citizens outside of their faith can do under civil law. After years of listening to religious arguments around this issue, I believe we simply should leave the religious arguments at the door because religion should not dictate civil decisions.
3. From a civil point of view, government has a financial interest in protecting families through marriage. President Bush has recognized this by creating initiatives that support marriage – (*provided that you're marrying the kind of person he approves*). The premise that strong, healthy marriages support families and society is one with which I agree, and I believe the government's interest extends to same sex couples. Marriage requires that a consenting couple take responsibility for each other and their children. The partners in a marriage can pool resources to make the family unit self sufficient. Without marriage, the ties that hold families together can be easily broken in difficult times, leaving the government to support children and spouses without the resources to help themselves. This happens regardless of a couple's sexual orientation.
4. "Marriage has fallen into awful disrepute." That is a statement many believe today, but that statement was made in 1522 by Martin Luther. Marriage has never been the perfect institution we hold it to be. Love in marriage is a relatively new concept which this society has adopted. However, marriage is an ancient concept, historically based more on ownership of women than on love. There were the one man, many women marriages of biblical times; the arranged marriages between spouses of very different ages, or between very young children. And there was the concept of women as property to be sold and purchased in marriage. These less palatable marriages are ignored in favor of the romantic notion of the "traditional one man, one woman" marriage so often referenced in this debate.

The institution of marriage has changed dramatically over time. I rather like the way it has changed, and I believe the inclusion of same sex couples in equal marriages will improve the institution once again.

5. "What is right is not always popular, and what is popular is not always right". As legislators, you are faced with difficult decisions every day. What is the right thing to do? What do the polls say? What will my constituents think? If I vote for this bill, will it mean I lose my seat? Will it jeopardize my party's standing? These are likely the same questions asked by those who played a role in the issues of the emancipation of slaves, consideration of a woman's right to vote and Martin Luther King's work. Imagine the difference if women had gained the right to vote in the 1860's when Susan B. Anthony took a stand rather than 60 years later? Today, you have the opportunity to help move this state forward by taking a courageous stand on equal marriage, rather than waiting another 20 or 40 or 100 years for someone else to do it.

I urge you to find the political courage to recommend that HB791 ought to pass.

*I welcome your questions on this topic. I may be reached evenings or weekends at 783-4656.*

 **FILE COPY**

Remarks to the Legislative Committee on Same Sex Marriage  
The State House, Concord, New Hampshire, March 14, 2007  
The Rev. Mr. Ralph Reinhold Abele

I am the Rev. Mr. Ralph Reinhold Abele with standing as an ordained minister in the United Church of Christ. The United Church of Christ includes most of the Congregational Churches in the state. Those Churches constituted here, at one time, the largest Protestant denomination.

The national body of the United Church of Christ is comprised of elected representatives from all of the state and area conferences in the United States, including the New Hampshire Conference. At the last meeting of the national body, named the General Synod of the Church, the Synod voted overwhelmingly to sanction and encourage Churches and ministers of the denomination to accept for the rite of marriage same sex couples who meet their local Church criteria for marriage. That action by the General Synod of the UCC does not oblige any Church or minister to perform such marriages. At the same time, the freedom of religion of Churches and ministers who do decide to sanction locally same sex marriages is now denied by the State of New Hampshire in as much as our state does not recognize such marriages. That refusal of the freedom of religion is, I believe, contrary to the law and the spirit of the State of New Hampshire – a refusal that in the name of United Church of Christ Churches and ministers I respectfully request be set aside.

Please recommend to the legislature the freedom to marry of same sex couples in the name of, and for the sake of freedom of religion in the State of New Hampshire.

I would happily respond to any questions in regard to this matter, both of the freedom of religion and/or of the stand of the General Synod of the United Church of Christ.

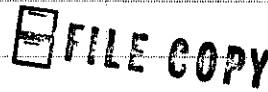


Rev. Mr. U.C.C.

**YAHOO! MAIL**

Print - Close Window

**Date:** Wed, 14 Mar 2007 13:20:09 -0700 (PDT)  
**From:** "carol friedrich" <friedgreen2000@yahoo.com>  
**Subject:** Fwd: marriage bill  
**To:** friedgreen2000@yahoo.com

A rectangular stamp with the words "FILE COPY" in a bold, sans-serif font. To the left of the text is a small icon of a file folder.

I moved to this state whose motto is Live Free or Die.

I urge this committee and this legislature to honor that motto.

This bill will allow all of the citizens of NH to be

free-free to marry whomever they want within the confines of law. Free to choose to be married in

a civil ceremony and free to choose to solemnize the marriage in any religious way they decide. In either

event, they will still have all the rights and responsibilities as married people have now.

I recognize that it is a weighty decision.

As weighty as when the colonists decided it was best

for all to separate from Great Britian

As weighty as Lincoln faced to endure a Civil War rather than let slavery go unchallenged.

As weighty as the legislatures had to face around the

country when women demanded the right to vote.

As weighty as cities and towns had to decide to desegregate their school.

But despite the criticism and public pressure by a

vocal minority, these decisions were made and our state and country are better for it.

Where would we be if those in position to make these

weighty decisions would not have had the courage to

speak up and do the right thing.

I urge you to weigh all the testimony you have heard

today and speak up for the minority and vote

Ought to

Pass.

Note: forwarded message attached.

---

**Forwarded Message**

**Date:** Wed, 14 Mar 2007 05:01:15 -0700 (PDT)  
**From:** "carol friedrich" <friedgreen2000@yahoo.com>  
**Subject:** marriage bill  
**To:** friedgreen2000@yahoo.com

# YAHOO! MAIL

Print - Close Window

**Date:** Wed, 14 Mar 2007 05:01:15 -0700 (PDT)

**From:** "carol friedrich" <friedgreen2000@yahoo.com>

**Subject:** marriage bill

**To:** friedgreen2000@yahoo.com

For the record, I am Rep. Carol Friedrich and I  
speak  
in favor of this bill.

file



# UNITARIAN-UNIVERSALIST CHURCH

58 Lowell Street • Nashua, New Hampshire 03064  
Rev. Stephen D. Edington, Minister • 603-882-1091

 FILE COPY

March 14, 2007

To: The Members of the Judiciary Committee of the New Hampshire House of Representatives.

From: Rev. Stephen D. Edington, Minister  
Unitarian Universalist Church of Nashua, New Hampshire

RE: HB 791, A Bill to Create Marriage Equality in New Hampshire

I am pleased to address this Committee and seek your support for HB 791.

It has been my privilege to serve the congregation of the Unitarian Universalist Church of Nashua, New Hampshire for the past nineteen years. Our church was founded in 1826, and has been a part of the religious landscape of Nashua for 180 years.

In the course of my ministry I have been honored to join numerous same-sex couples in Services of Holy Union, in which they make a spiritual, life-long commitment to one another. I do this with the sanction and blessing of my denomination, the Unitarian Universalist Association.

As joyous as these Services of Holy Union are, my joy is always tempered by the realization that I am unable to sign a Marriage License for the couple joined that would grant them all the rights, privileges, and responsibilities as are now accorded heterosexual couples in our State who unite in marriage. The commitment and devotion of the same-sex couples I have joined are no less than those of the heterosexual couples I marry, which leads me to my strong belief that all couples of either the same-sex, or opposite-sex, who wish to unite in marriage should be legally permitted to do so.

It has also been my joy in the course of my ministry in Nashua to have same-sex couples participate in the life of our congregation; and, for those who have children, to have their children be a part of our religious education program. I believe the overall quality of our congregational life has been greatly strengthened by the presence of same-sex couples and their children with us. Again, I see no reason why these couples should be denied the rights of marriage, as they are under the present laws of this State.

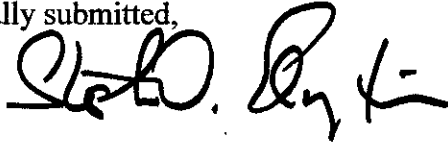
I am aware, as I know you are as well, that this is an issue on which many religious communions and organizations are divided. It is the task of these bodies to work on

alleviating those divisions as best they can. What you are being asked to decide, however, is a matter of civil law; and I can fathom no reason, as a matter of civil law, why the rights of marriage should be withheld from same-sex couples.

Indeed, I believe the burden of proof on this issue lies with those who advocate the denial of marriage rights to same-sex couples as a matter of civil law. By what reason, apart from the religious beliefs of some, should such rights be denied? Is it the proper role of the State to use civil law to enforce a certain set of religious beliefs—however devoutly they may be held by some of its citizens? I think not. The role of the State should be to grant a Marriage License to all couples—heterosexual and homosexual alike—who meet the requirements for marriage when it comes to age and familial relationship, and leave it to the various religious bodies in our midst to decide which ones they choose to recognize and which ones they do not.

I thank you for your attention to my comments, and urge your support of this measure.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen D. Edington". The signature is written in a cursive style with a large initial "S" and a long horizontal stroke at the end.

Rev. Stephen D. Edington



*File Copy*

**FILE COPY**

Weds. March 14th Hearing at 1:00 PM in Representatives' Hall, State Capitol, Concord.

From: Betsy and Sen. Harold Janeway, Webster, NH 03303 746-3818  
To: The House Judiciary Committee and Chairman David Cote.  
Re: House Bill 791: Marriage Equality

We live in Webster and we have raised five children. One of our sons is gay, one of our daughters is lesbian. Both are in life-long, loving relationships. We have seven grandchildren, and innumerable cousins, aunts and uncles. All of our family refer to the relationships that bind us together as MARRIAGE.

Let us pass House Bill 791 with speed and good will. Let us be the State that LEADS, not follows. Let us allow all our citizens an equal opportunity to marry. Marriage strengthens families, and strong and enduring families are good for New Hampshire. Civil Unions are nice and well-meant. But they are not marriage.

Civil marriage equality won't require any faith community to perform marriages against their faith. This bill does not interfere with religious rights and freedoms.

We never say our daughter is "civil-unionized," or "domestically partnered." She is, in our eyes, and in our hearts, MARRIED to the woman we call our daughter-in-law. Together they have two beautiful children who do not understand why their cousins' and some of their friends' parents can be married, while their parents cannot. Would you like to explain this to them?

Our eight-year-old granddaughter is here today. She is listening. She'll give a report on this hearing to her class tomorrow. Wouldn't you rather be able to look her in the eye and say, "In New Hampshire, we treat people equally?" Wouldn't you like to say to all NH children that you don't believe in discrimination?

Denial of equal civil marriage rights is the denial of dignity and humanity. Let our children marry in New Hampshire!

Thank you.

Harold and Betsy Janeway

*File Copy - Dawn Touzin*

HB 791                      Relative to religious freedom and civil marriage.

Position:                      SUPPORT  
Committee:                    House Judiciary  
Hearing Date:                March 14, 2007  
Contact:                        Dawn M. Touzin, Chair, New Hampshire Freedom to Marry

**FILE COPY**

I speak to you today in my role as Chair of New Hampshire Freedom to Marry (NHFTM), a statewide membership organization advocating for gay, lesbian, bisexual and transgender rights in New Hampshire. Since 2001, we have been engaged in public education on the issue of civil marriage for gay and lesbian couples.

Marriage is more than a collection of legal rights, it tells the community that two people love each other and are a family. Since everyone understands and respects this, it makes being married something important, something we aspire to, and something that protects us in daily life as well as times of crisis. We in the lesbian and gay community seek the same access to civil marriage that is available to heterosexual couples.

NHFTM has participated in discussions on civil marriage at home days, in churches, at civic groups. What we hear is a consistent message: the people of New Hampshire support marriage equality. They believe in fairness.

We have 5,000 signatures on petitions collected at church and civic gatherings. Signatures from people who want gays and lesbians to have the dignity and equality as well as the protections that come with civil marriage.

Those of us already in a committed relationship must go through significant and expensive effort to put in place just a portion of the legal rights and protections available that come automatically with marriage. Even then, the children of our blended family do not have the same legal safeguards that children in a married couple household automatically have. Even then, hearing a diagnosis of breast cancer makes us worry about what protections for each other and our children are missing because my spouse and I aren't recognized as married.

Some would suggest that some form of 'civil union' would resolve these inequities. Some form of separate but equal arrangement would remove the pangs of injustice that gay, lesbian, and straight people feel about the inequality that currently exist. But those of us who feel those pangs also know, in our hearts, that a lesser status can never be considered equality.

When filling out forms with boxes for 'married, single or divorced', only civil marriage conveys a clear answer. When my spouse's son refers to himself as a 'sort of uncle' to my grandchildren, we know that only civil marriage will take away the 'sort of'.

Please vote Ought to Pass on HB 791.

*File  
Substitute*

★ **American Friends Service Committee** ★  
New Hampshire Program

4 Park Street, Suite 209  
Concord, NH 03302

phone (603)-224-2407  
fax (603)-228-6492

---

Testimony in support of HB791

It is time for all who want to enter a committed relationship receive equal support from the state towards that end.

I would suggest to you, as a former priest in the Episcopal Church and now as a Quaker, that it is time for the state to preside over equal laws for marriage or a state civil unions and leave religions to do as they choose. It is time to separate church and state in these matters. As a priest I was very uncomfortable with the role of suddenly being an agent of the state when it came to marriage of any kind. I kept asking my professors in seminary and my bishop why, when church and state are usually kept carefully separate, are they joined here? No one had a good answer. Convenience was as close as anyone came.

I would suggest that we rewrite all of the statutes on marriage. Create a civil union for all who wish to enter a legal committed relationship that is regulated by the state. If a couple wants, that might be sufficient. It could be a small or large ceremony with an officer of the state. Their choice. If they desire a religious ceremony to bless that union, they are free to do so. Religions are free to do as they see fit on this issue.

What is important and is the role of this legislature, is that the state treat all committed relationships equally.

Thank you.  
Martha Yager  
AFSC-NH  
Resident of Henniker NH

This is a once-in-a-lifetime opportunity for the fortunate members of this committee today to recommend HB-791 "ought-to-pass". It is also a significant opportunity for New Hampshire to take a leadership position on an important national issue. It is rare today that a bill comes before a legislature that is not only eloquent, but seeks to recognize rights, not to restrict liberty.

During my past twenty-eight years in this state I have recognized the spirit of this great state to be one of live-and-let-live, embodied in our state motto and emblazoned on our license plates. HB-791 adds to the joy that originates in the freedom of the New Hampshire people.

I am excited that New Hampshire may join others in recognizing same-sex marriage. This committee has the power to bestow a greater honor, that New Hampshire may join only three other nations in recognizing same-sex marriage via a *legislative* process and not by judicial mandate. This is important—it says that our leaders and the people of our state treasure civil liberties, equality, and fairness—that all New Hampshire citizens are equally provided the stability and legal framework that marriage provides. This is good for our state.

New Hampshire has a rich history of being "First in the Nation", to set itself apart and lead the nation. It is, however, more than just a calendar date. Being First in the Nation takes leadership, courage, and the will to protect rights and civil liberties. In thirty years when our children look back, they will know who lead the nation in freedom. Let it be New Hampshire.

Brian R. Key  
20 Windham Road  
Pelham, NH 03076-2370  
Tel/Fax 978-805-3030  
Brian@BrianAndJose.com

Testimony in favor of HB 701  
Rev. Roberta Finkelstein  
South Church, Portsmouth, NH  
Wednesday March 14, 2007

I'm Rev. Roberta Finkelstein, an ordained Unitarian Universalist minister currently serving South Church in Portsmouth, NH. I speak on behalf of a congregation of 500 or so people who have affirmed their support for equal rights for all persons, including gay and lesbian people. South Church is a member of the Unitarian Universalist Association, a voluntary association of more than 1,000 congregations across the country. The Unitarian Universalist Association has a long history of supporting human rights for all persons. An important part of our faith covenant is to affirm the inherent worth and dignity of all persons. Discrimination of any kind is against our religious convictions.

I have had the privilege of officiating at many weddings. It saddens me that when I perform a ceremony for a committed and loving gay couple, I cannot sign a legal marriage license for them. I know that they intend to live in the same faithful, mutually respectful, and loving relationship as a heterosexual couple. The state, by refusing to recognize these marriages, infringes on my religious freedom by imposing a religious value that I do not share.

Recently I walked with a loving couple through the terminal illness and death of one partner. As though it wasn't difficult enough just to be faced with this illness and loss, they had the extra stress of having to consult a lawyer on several occasions to make sure that their relationship would be recognized – they wanted to be able to make decisions about health care proxies, funeral arrangements, and legacies.

I encourage you to support HB791. To recognize and make legal the marriage between two loving and committed gay people is a simple civil right. To continue to refuse to recognize the legality of these relationships, and to continue to prevent willing clergy from officiating at these ceremonies, is simply wrong.

*Quinnipiac Poll*

*Nov. 13-19  
2006*

12/7-12/04	43	53	4
7/18-22/04	39	55	6
3/16-22/04	41	51	8

"The New Jersey Supreme Court recently ruled that homosexual couples are entitled to the same rights as heterosexual ones and that state legislators must rewrite New Jersey laws to make this happen. If you had to choose in your state, which would you prefer: allowing same-sex couples to form civil unions or allowing same-sex couples to get married?"

	Civil Unions %	Marriage %	Neither (vol.) %	Unsure %
11/13-19/06	44	24	27	5

**FOX News/Opinion Dynamics Poll.** Nov. 4-5, 2006. N=900 likely voters nationwide. MoE ± 3. LV = likely voters. Except where noted, results below are among registered voters.

"Do you believe gays and lesbians should be allowed to get legally married, allowed a legal partnership similar to but not called marriage, or should there be no legal recognition given to gay and lesbian relationships?"

	Legally Married %	Legal Partnership %	No Legal Recognition %	Unsure %
11/4-5/06 LV	30	30	32	7
6/13-14/06	27	25	39	8
5/04	25	26	40	9
3/04	20	33	40	7

**CBS News/New York Times Poll.** Oct. 27-31, 2006. N=1,084 adults nationwide. MoE ± 3 (for all adults).

"Which comes closest to your view? Gay couples should be allowed to legally marry. OR, Gay couples should be allowed to form civil unions but not legally marry. OR, There should be no legal recognition of a gay couple's relationship."

	Legal Marriage %	Civil Unions %	No Legal Recognition %	Unsure %
ALL adults	28	29	38	5
Republicans	12	29	54	5
Democrats	41	27	29	3
Independents	28	31	35	6
<i>Trend:</i>				
6/06	27	30	40	3
2/24-28/05	23	34	41	2
11/18-21/04	21	32	44	3
7/11-15/04	28	31	38	3
5/20-23/04	28	29	40	3
3/10-14/04	22	33	40	5

**Newsweek Poll** conducted by Princeton Survey Research Associates International. Oct. 26-27, 2006. N=1,002 adults nationwide. MoE ± 3 (for all adults).

File

March 14, 2007

Testimony In Favor of HB791

I urge you to pass HB791 which will make the civil rights of marriage available to same sex couples. As a parish minister serving with the Unitarian Universalist Congregation in Milford, New Hampshire, I have an interest in strengthening marriages and families. They are the backbone of our communities. With their responsibilities in nurturing our children, they are the hope for our future.

In our communities, we encourage and indeed expect families to nurture their members. We know that strong families make for a healthier society. Stable couple relationships based on respect and responsibility are good for children and for the adults who participate in them- no matter what their gender. Biological and behavioral scientists agree that some people are naturally attracted to others of the same sex. It is a fact of nature.

Healthy relationships that weave healthy communities do not depend on gender. They depend on respect and responsibility. If you can find a way to pass a law allowing only two people whose relationship is based on respect and responsibility to marry- now that might be worth considering. Domestic violence would disappear. Fewer children would live in poverty.

Legalizing the intentional long-term commitment of marriage for same sex couples will strengthen family life by providing the civil rights necessary for economic and emotional stability. The time has come to do what is best for our families and pass this bill granting marriage equality.

Respectfully submitted,

Rev. Barbara McKusick Liscord  
Unitarian Universalist Congregation in Milford, NH  
20 Elm St.  
Milford, NH 03055  
study: 603-673-1870 (to leave messages, press 2)

**FILE COPY**

Remarks to the Legislative Committee on Same Sex Marriage  
The State House, Concord, New Hampshire, March 14, 2007  
The Rev. Mr. Ralph Reinhold Abele

I am the Rev. Mr. Ralph Reinhold Abele with standing as an ordained minister in the United Church of Christ. The United Church of Christ includes most of the Congregational Churches in the state. Those Churches constituted here, at one time, the largest Protestant denomination.

The national body of the United Church of Christ is comprised of elected representatives from all of the state and area conferences in the United States, including the New Hampshire Conference. At the last meeting of the national body, named the General Synod of the Church, the Synod voted overwhelmingly to sanction and encourage Churches and ministers of the denomination to accept for the rite of marriage same sex couples who meet their local Church criteria for marriage. That action by the General Synod of the UCC does not oblige any Church or minister to perform such marriages. At the same time, the freedom of religion of Churches and ministers who do decide to sanction locally same sex marriages is now denied by the State of New Hampshire in as much as our state does not recognize such marriages. That refusal of the freedom of religion is, I believe, contrary to the law and the spirit of the State of New Hampshire – a refusal that in the name of United Church of Christ Churches and ministers I respectfully request be set aside.

Please recommend to the legislature the freedom to marry of same sex couples in the name of, and for the sake of freedom of religion in the State of New Hampshire.

I would happily respond to any questions in regard to this matter, both of the freedom of religion and/or of the stand of the General Synod of the United Church of Christ.



Brendan Denehy  
31 Mason Road  
Brookline, N.H. 03033  
[bdenehy@stewart.mv.com](mailto:bdenehy@stewart.mv.com)  
603/673-6749

FILE COPY

Good afternoon,

I stand before you today in support of House Bill 791, which will provide marriage equality to all New Hampshire couples. I stand here knowing this is an historic occasion. I take great pride that this legislation is a major step forward in Equality for our great state, and that history will remember this day, and the actions that you take in ending a great injustice.

I also stand here remembering the history was made here almost exactly 10 years ago, when New Hampshire became the 10<sup>th</sup> state to outlaw discrimination against its gay and lesbian citizens in the areas of employment, housing and public accommodation. I spoke here, one of many people who urged the legislature to provide all citizens with equality. Our slogan then was 'No More, No Less.' Passing that law meant a great deal to the thousands of gay and lesbian citizens of New Hampshire, who no longer had to fear that they could be fired, denied housing, or refused service in a store or restaurant. It has allowed us to become fuller participants in our communities and in our state.

At the time, opponents to that bill predicted grave consequences to the citizens of our state if discrimination was ended. Ten years have passed, and none of those fears have been realized. Our state continues to be one of the best places in the country to live, something that I am very proud of.

Three years ago, our neighbors in Massachusetts and Canada recognized the inherent worth of all their citizens, and allowed same sex couples to marry. At that time, the people who fear gay and lesbians panicked, proclaimed that the world would come to an end if New Hampshire allowed marriage equality in our state, and passed SB 427; not only denying New Hampshire citizens the right to marry, but also creating 'divorce at the border' in case any of our legally married gay and lesbian neighbors decided to move here or even visit. And as with the anti-discrimination law, time has showed us that nothing terrible happens same sex couples marry – in fact, Massachusetts has the lowest divorce rate in the country!

On January 4<sup>th</sup>, Governor Lynch stood before you, and in the opening remarks of his inaugural address he introduced his wife Susan as 'the love of my life and my best friend'. I want to talk about the love of my life, and my best friend, my husband Brian. We met about 10 years ago working on the anti-discrimination bill, and in between stuffing envelopes, folding newsletters and phone banking, I realized I had found someone really special. We have been together ever since. We own our home together, we are there for each other in family emergencies, and to quote my sister-in-law, he's the person I want to have breakfast with every morning for the rest of my life.

Brian and I have done everything we can to have our relationship legally recognized. We have all 8 of the rights that we can gain through powers of attorney, wills and deeds. However, in a crisis, sometimes even those 8 are not enough. On August 2<sup>nd</sup>, 2005, I got the scariest phone call of my life. A woman told me that Brian had collapsed and been rushed to the hospital unconscious. I jumped into my car and rushed to the hospital, a 30 minute drive. Halfway there though I slammed on my brakes, pulled over the side of the road, and pounded the steering wheel in frustration. I had left Brian's medical power of attorney at home. What if the hospital refused to let me see him? And for a few minutes, that's exactly what happened. I hurried to the front desk, explained that my husband was there, and that I wanted to be with him. The nurse gave me a strange look, then said to take a seat and wait a couple of minutes. 15 terrifying minutes later I could wait no longer. I was fortunate that there was a different person at the desk who let me go to Brian, and even more fortunate that his illness was not life threatening.

Finally, one last piece of history. On July 31<sup>st</sup>, 2004, our family and friends joined us at our home in Brookline to celebrate our marriage. While the Justice of the Peace could not say "by the power invested in me by the State of New Hampshire", morally and ethically Brian and I were joined as husbands, for the rest of our lives, and no one can take that away from us. My biggest regret is that my father did not live long enough to see us married. I hope that before she dies, my 85 year old mother can see us legally married in my home state of New Hampshire. I ask you to make history today and vote to allow full civil marriage equality. No more, No less.

# A Brief History of Changes to Marriage

by Rob Tonneberger and Byron Sutherland

 **FILE COPY**

My partner Byron and I support the enactment of civil marriage for same-sex couples.



The institution of marriage pre-dates reliable recorded history. But the religious radicals here today are telling you that marriage hasn't changed in thousands of years as a basis to deny my partner and I from marriage. On the contrary, the definition of marriage has been evolving just as long.

For instance, the Bible speaks of over 40 God sanctioned polygamists including Abraham, Moses, Jacob, and King David along with King Soloman's seven hundred wives, princesses, and three hundred concubines. The Old Testament even includes specific regulations on the practice of polygamy like Deuteronomy 25:5-10 that forces a man to marry his deceased brother's widow.

Saint Augustine in the 4<sup>th</sup> century declared "Now indeed in our time, and in keeping with Roman custom, it is no longer allowed to take another wife." thus slowing down polygamy. In Catholicism, the Council of Trent in 1545 made the validity of marriage dependent upon it being performed before a priest and two witnesses.<sup>1</sup> John Calvin and his Protestant colleagues reformulated Christian marriage through enactment of The Marriage Ordinance of Geneva, imposing, "The dual requirements of state registration and church consecration to constitute marriage."<sup>2</sup> In the UK, the Marriage Act of 1753 was the first to require a formal marriage ceremony. Chancellor Bismarck introduced civil marriage in 1875 which forced the declaration of marriage before an official clerk to make it legal which then reduced clerical marriage to an

---

Unless otherwise footnoted, references taken from: <http://en.wikipedia.org/wiki/Marriage>

<sup>1</sup> Witte Jr., John (1997). *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition*. Westminster John Knox Press, pp 39-40. ISBN 0664255434.

<sup>2</sup> Ibid. page 91.

optional private ceremony. In this country, marriage may also be created by the law alone, as in common-law marriage. And finally since 1985, every state has some form of no-fault divorce thus nullifying the marriage oath: "so long as you both shall live ... until death do you part".

To the fanatic Christians that contend that marriage is only between a man and a woman, let's look at further at the Bible. Mathew 5:32 says that a man cannot marry a divorced woman, and in 5:28 that a man cannot have sexual thoughts of a woman other than the one he is marrying. Leviticus 21:13-14 says that a woman to be married must be a virgin. John 1:9-11 says that a Christian cannot marry a non-Christian. So why haven't I heard anyone here today arguing to codify these Biblical marriage laws. Could it be that the Fundamentalist Christian extremists pick and choose from the Bible as to what to believe, what to follow and what to persecute others with.

In summary, changes to marriage have been occurring for as long as there has been marriage. Same-sex marriage will provide us the same security, rights and responsibilities afforded our hetero counterparts with regard to our families, children, finances, health, and upon death.

"The Bible contains six admonishments to homosexuals and three hundred and sixty two admonishments against heterosexuals. That doesn't mean that God doesn't love heterosexuals. It's just that they need more supervision." <sup>3</sup>

---

<sup>3</sup> Lynne Lavner , comedian.

Testimony on HB 791  
House Judiciary Committee  
March 14, 2007

FILE COPY

My name is Susan Bruce. I'm from Jackson, NH. I am here today as a woman, a wife, a mother, a member of a Unitarian Universalist congregation, and an advocate for social justice.

We all agree that families strengthen our communities, our state, and our country. You will hear a great deal of testimony today that invokes terms like "protecting marriage." I'm not sure what we are trying to protect marriage from. No one here is suggesting we do away with the institution of marriage; in fact, I'm here to urge you to broaden our definition of marriage, to include same gender couples. Families that have already been created will be protected under the laws of our state. More people will be able to marry, more families will be created, and our communities and our state will be stronger as a result. Why wouldn't we want to encourage and protect the families of our state?

I belong to a religious denomination that embraces diversity, and would gladly marry gay couples, but I understand that this is not the case for all religions. HB 791 grants civil marriage, thereby eliminating religion altogether, which means that no church will be forced to perform a ceremony it isn't comfortable with. This is both sensitive and sensible public policy.

In the history of our country, laws that discriminated against groups of people have been changed, as we have become more enlightened. Slavery was abolished. Black men were given the right to vote. Women were finally given the right to vote. Interracial couples were given the right to marry. Segregation was abolished – in schools and in our communities. None of us look back and long for the good old days of segregation. The New Hampshire legislature has the opportunity to make the same kind of choice – to change a law that is currently discriminatory. In the decades to come, we will not look back and long for the good old days of marriage discrimination. We will be too busy accepting the congratulations of our children and grandchildren for righting a wrong, and making history.

Susan Bruce

211 Main St.  
Jackson, NH 03846  
(603) 383-8936  
[Susanb\\_6067@msn.com](mailto:Susanb_6067@msn.com)

FILE COPY

*File  
copy*

*Brian Rater*

14 March 2007

House Judiciary Committee

Hearing on HB791, Relative to Religious Freedom and Civil Marriage

My name is Brian Rater, I live in Brookline NH and I am a member of the Board of Directors of New Hampshire Freedom to Marry.

For the past six years, we have been traveling around the state and talking to everyday people about marriage equality for gays and lesbians. At first, I was surprised by the high level of support that I found wherever I went, but over these years, I've come to understand people in this great state have a deep understanding of the concepts of individual liberty.

Here is only one story of the hundreds that I have encountered. I was staffing a table for New Hampshire Freedom to Marry at the Multicultural Days event in Wolfborough. A very rough looking man with a lot of muscles and covered in tattoos stopped at our table and asked what we were about. When we told him that we advocate for marriage equality for gays and lesbians, he told us how he had just recently been released from jail. While he was in prison, he had a lot of time to think about how important our freedoms are and that we should never take them for granted. He was not gay, did not have any gay people in his family that he knew of and didn't particularly have any gay friends, but his experience showed him what it was like to not have the freedoms that other people take for granted. He understood how we felt and he signed our petition.

Obviously this story is just anecdotal, but the University of New Hampshire has been doing public polling on this issue for the last several years. All of the polling has found a majority of NH citizens support marriage equality for gays and lesbians.

The most recent Granite State Poll was conducted last month and it again asked about support for marriage equality and the results were publicly released today.

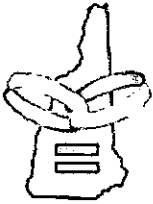
When asked "Would you favor or oppose allowing gay couples to go a justice of the peace and get a marriage license?" 61% said that they were in favor.

The poll went on to ask "Would it bother you if gay couples could go to a justice of the peace and get a marriage license?" 74% said that it would not bother them.

The right of all citizens to participate in the institution of marriage should not be denied because someone happens to be gay or lesbian. The people of New Hampshire agree that this discrimination against gays and lesbians should be brought to an end.

I urge you to pass this bill this year.

Brian Rater  
31 Mason Rd  
Brookline, NH 03033



# NEW HAMPSHIRE FREEDOM TO MARRY COALITION

SEEKING MARRIAGE EQUALITY

## Support Marriage – We Do

NHFTMC  
Board members

Dawn Touzin

Patricia McGrath

Brian Rater

Gail Morrison

David Weber

Claire Ebel

Judy Nute

Lillie Scheffey

At today's hearing on HB791, New Hampshire Freedom to Marry *turned in signatures representing approximately 5000 New Hampshire residents* stating "I urge the state of New Hampshire to allow same sex couples to share fully in the rights, responsibilities, and commitment of civil marriage." NHFTM also *officially announced the results of the latest Granite State Poll.*

### Quotes

"No citizen in our community should be without the right to marry with the same support systems, benefits and social acceptance that is inherent in marriage", said Rep. Maureen Baxley, of Andover NH.

Pat McGrath of Bedford NH says "Our families have a right to the same access to marriage that other couples receive".

"We have been struggling for equality in New Hampshire for over 25 years and it's time to put an end to the last injustice", said Brian Rater of Brookline, NH, a long time rights activist.

"Marriage is the ultimate expression of love and commitment. My marriage to my husband is no different from their marriages", said Judy Nute of Hampstead NH.

"Why should our families be treated differently?" asks Dawn Touzen of Windham NH.

### Poll finds increased support for civil marriage equality

A new UNH Granite State Poll conducted in February 2007 finds increased support for civil marriage equality for gay and lesbian couples. When asked "*Would you favor or oppose allowing gay couples to go a justice of the peace and get a marriage license?*" *61%* of New Hampshire Residents say that they would *support* such a law.

Additionally, when asked "*would it bother you if gay couples could go to a justice of the peace and get a marriage license*", *74%* said it would not.

### HB791: Relative to religious freedom and civil marriage

- Gives gay and lesbian families and their children the protections offered by civil marriages
- Civil marriage is a state institution that will be available to all adults
- Ends state discrimination against gay and lesbian families in New Hampshire
- Churches and clergy have the freedom to decide which civil marriages to sanctify



# NEW HAMPSHIRE FREEDOM TO MARRY COALITION

SEEKING MARRIAGE EQUALITY

FILE COPY

## Additional Polling results

*"Would you favor or oppose allowing gay couples to go a justice of the peace and get a marriage license?"*

### By Political Party

81% of Democrats support  
68% of Independents support  
35% of Republicans support

### By Marital Status

56% of married individuals support  
61% of divorced/separated individuals support  
79% of singles support

### By Religion

50% of Protestants support  
55% of Catholics support  
79% of individuals of other faiths support

### By Region

56% of northern residents support  
61% of western residents support  
62% of center/lakes region residents support  
60% of Hillsborough county residents support  
63% of seacoast residents support

*"Would it bother you if gay couples could go to a justice of the peace and get a marriage license?"*

### By Political Party

86% of Democrats say No  
81% of Independents say No  
51% of Republicans say No

### By Region

72% of northern residents say No  
69% of western residents say No  
74% of center/lakes region residents say No  
73% of Hillsborough county residents say No  
73% of seacoast residents say No

### By Religion

60% of Protestants say No  
72% of Catholics say No  
86% of individuals of other faiths say No

NHFTMC  
Board members

Dawn Touzin

Patricia McGrath

Brian Rater

Gail Morrison

David Weber

Claire Ebel

Judy Nute

Lillie Scheffey



HB 791

Relative to religious freedom and civil marriage.

**FILE COPY**

Position: SUPPORT  
Committee: House Judiciary  
Hearing Date: March 14, 2007  
Contact: Dawn M. Touzin, Chair, New Hampshire Freedom to Marry

I speak to you today in my role as Chair of New Hampshire Freedom to Marry (NHFTM), a statewide membership organization advocating for gay, lesbian, bisexual and transgender rights in New Hampshire. Since 2001, we have been engaged in public education on the issue of civil marriage for gay and lesbian couples.

Marriage is more than a collection of legal rights, it tells the community that two people love each other and are a family. Since everyone understands and respects this, it makes being married something important, something we aspire to, and something that protects us in daily life as well as times of crisis. We in the lesbian and gay community seek the same access to civil marriage that is available to heterosexual couples.

NHFTM has participated in discussions on civil marriage at home days, in churches, at civic groups. What we hear is a consistent message: the people of New Hampshire support marriage equality. They believe in fairness.

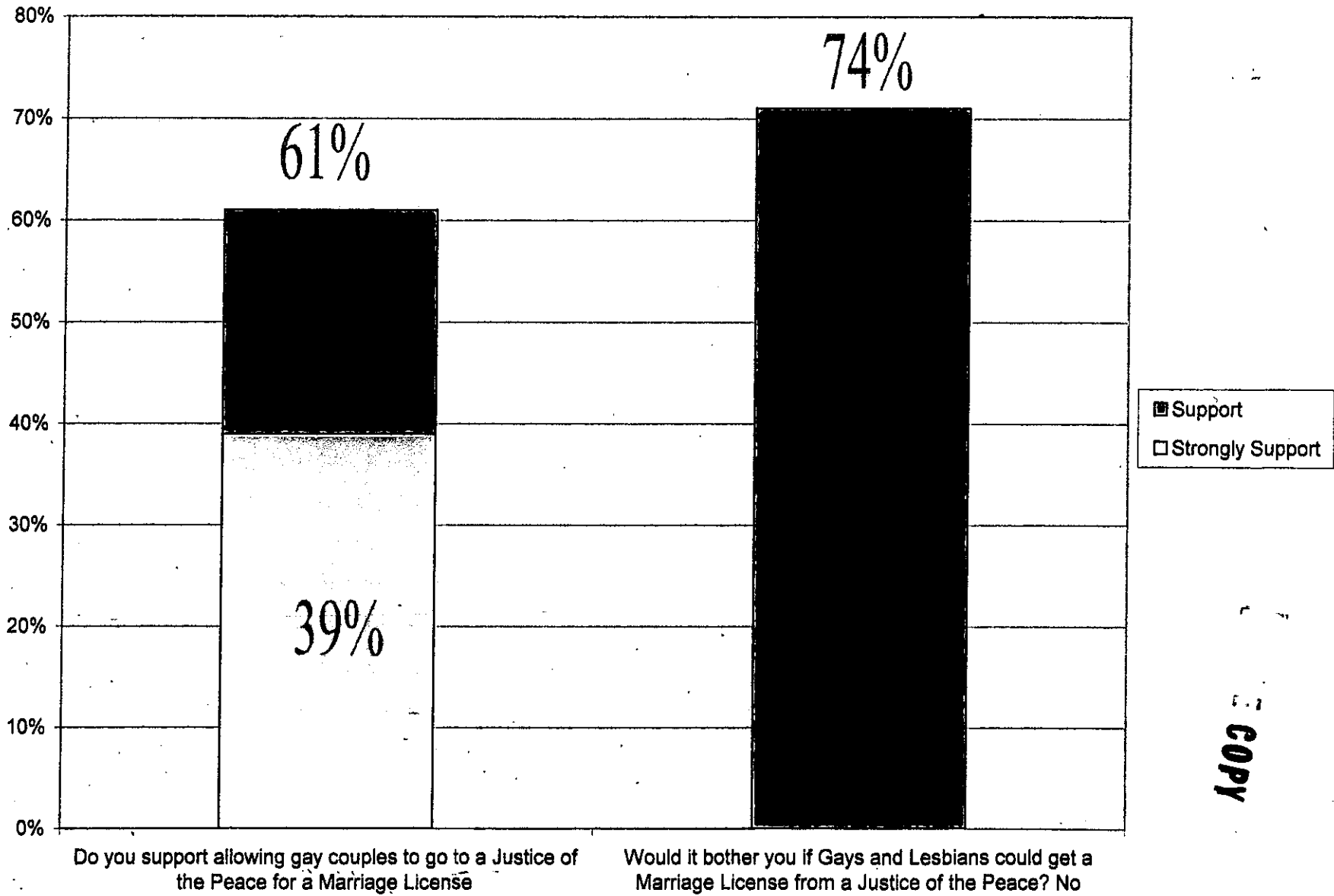
We have 5,000 signatures on petitions collected at church and civic gatherings. Signatures from people who want gays and lesbians to have the dignity and equality as well as the protections that come with civil marriage.

Those of us already in a committed relationship must go through significant and expensive effort to put in place just a portion of the legal rights and protections available that come automatically with marriage. Even then, the children of our blended family do not have the same legal safeguards that children in a married couple household automatically have. Even then, hearing a diagnosis of breast cancer makes us worry about what protections for each other and our children are missing because my spouse and I aren't recognized as married.

Some would suggest that some form of 'civil union' would resolve these inequities. Some form of separate but equal arrangement would remove the pangs of injustice that gay, lesbian, and straight people feel about the inequality that currently exist. But those of us who feel those pangs also know, in our hearts, that a lesser status can never be considered equality.

When filling out forms with boxes for 'married, single or divorced', only civil marriage conveys a clear answer. When my spouse's son refers to himself as a 'sort of uncle' to my grandchildren, we know that only civil marriage will take away the 'sort of'.

Please vote Ought to Pass on HB 791.



COPY

New Hampshire Marriage-Related Statutes

	NEW HAMPSHIRE REVISED STATUTE ANNOTATED	TITLE	CHAPTER	DESCRIPTION	KEYWORDS
1	N.H. Rev. Stat. Ann. § 5-c:6	The State And Its Government	Vital Records Administration	Requiring the Secretary of State to promote uniformity and efficiency in compiling marriage statistics.	marriage
2	N.H. Rev. Stat. Ann. § 5-c:11	The State And Its Government	Vital Records Administration	Establishing a rebuttable presumption that the father of a child born or conceived to a married woman is the woman's husband.	husband
3	N.H. Rev. Stat. Ann. § 5-c:12	The State And Its Government	Vital Records Administration	Requiring persons solemnizing marriages to record the facts and transmit the returns to the applicable town clerk.	marriage
4	N.H. Rev. Stat. Ann. § 5-c:13	The State And Its Government	Vital Records Administration	Requiring the clerk to alphabetize marriage returns for records administration.	marriage
5	N.H. Rev. Stat. Ann. § 5-c:9	The State And Its Government	Vital Records Administration	Providing that a certified copy of a marriage license is prima facie evidence of the marriage in any judicial proceeding.	marriage
6	N.H. Rev. Stat. Ann. § 5-c:20	The State And Its Government	Vital Records Administration	Setting the procedure for correcting or amending the marriage record.	marriage
7	N.H. Rev. Stat. Ann. § 5-c:21	The State And Its Government	Vital Records Administration	Requiring persons to respond to the registrar's inquiries regarding marriage facts.	marriage
8	N.H. Rev. Stat. Ann. § 5-c:22	The State And Its Government	Vital Records Administration	Providing for the issuance of a decorative heirloom marriage certificate upon payment of a \$25 fee.	marriage
9	N.H. Rev. Stat. Ann. § 14:27-a	The State And Its Government	Legislative Officers And Proceedings Compensation, Etc.	The surviving wife of a legislator who dies after being sworn in and while in session is qualified to receive the balance of the legislator's compensation. If there is no wife, payment goes to his estate.	spouse
10	N.H. Rev. Stat. Ann. § 15-b:1	The State And Its Government	Gifts, Testimonials, And Honorariums	Exempting gifts from relatives by blood or marriage or a member of the same household from reporting requirements for elected officials.	marriage
11	N.H. Rev. Stat. Ann. § 21-i:26	The State And Its Government	Department Of Administrative Services: State Employees Group Insurance	Granting state employees and their families, and retired employees and their spouses, access to group insurance.	spouse
12	N.H. Rev. Stat. Ann. § 21-i:30-a	The State And Its Government	Department Of Administrative Services: State Employees Group Insurance	Granting the surviving spouse and dependent children of a state employee who died in the line of duty premiums for a health benefit (in the case of a wife, until she remarries; in the case of a child, until/unless he/she qualifies under another employer plan).	spouse

**McDonnell, Dorothy**

---

**From:** Mooney, Maureen  
**Sent:** Wednesday, June 29, 2005 7:07 PM  
**To:** McDonnell, Dorothy  
**Subject:** FW: Same sex marriage - 427 Commission

Please place in file. Thanks!

**FILE COPY**

---

**From:** P. D. Boswell [mailto:bozymoto@bellatlantic.net]  
**Sent:** Wed 6/29/2005 8:48 AM  
**To:** Mooney, Maureen  
**Cc:** EdooftheNotch@aol.com  
**Subject:** Same sex marriage - 427 Commission

June 29, 2005

Patrick D. Boswell  
P.O. Box 115  
Chocoria, NH 03817-0115  
bozymoto@bellatlantic.net <mailto:bozymoto@bellatlantic.net>

Attn: Representative Maureen Mooney  
Clerk of the 427 Commission  
maureen.mooney@leg.state.nh.us <mailto:maureen.mooney@leg.state.nh.us>

Dear Representative Mooney,

I'm a 37-year-old white guy, happily married, with one stepson. I'm independent, perhaps more "conservative" than "liberal" on most issues, so I tend to vote Republican more than Democrat, but I do not vote either party line. I'm a five year Navy veteran, (first Gulf War era), and a lifetime member of the NRA, a hunter and an angler.

I'm not a gay rights activist. I'm not gay myself, and nobody in my immediate family is, either, so far as I know, and I don't really know many gay people, so many would say that I don't even have a dog in this fight. Honestly, homosexuality disgusting to me. I don't think that I'm superior to homosexuals, or that they are any less dignified than I am. I simply mean to say that the "mechanics" of homosexuality are repulsive to me. The very thought of a gay couple - two men most especially - walking down the aisle to get married, and then go on a honeymoon - makes me shudder. I suspect that many people cringe the same way while thinking about me hunting black bears with my bow and arrow, too. "Different strokes for different folks", as they say.

However, neither I, nor my government has any right whatsoever under our Constitution, to deny ANY segment of the citizenry equal treatment under the law. The fact is, gay couples victimize no one by choosing to marry, and we have no business victimizing them by denying them the right to

6/30/2005

These methods are most un Christ-like.

All the arguments and expert testimony that I have heard in opposition to gay marriage are some variation of the three I have described in the three paragraphs above, and all of them are demonstrably flawed. Why then, should gay continue to be denied full rights to marriage? I urge you and your colleagues to accept homosexuals for who they are, to look them in the eye instead of looking down at them, and to take active steps to stop others from denying them equal treatment under the law.

Very Truly Yours,

Patrick D. Boswell

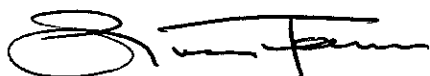
Littleton NH Hearing for Marriage Equality  
May 31, 2005

In the 1860's my great grandfather, Horace Bumstead, was president of Atlanta University. He spent his entire adult life working for equal rights for black people. I am proud of his efforts. However, it wasn't until the mid 1950's that Blacks could intermarry, vote and be educated in integrated schools. It is a blot on our history that it took so long to recognize Black rights.

Our state motto, Live Free or Die, is a source of pride to me. My husband and I raised our four children to believe they were fortunate indeed to grow up in a country that, in theory, cherishes equal rights. However, denying gays and lesbians the right to marry to makes it clear that equal rights, at this point in time, exists only in theory. I would be ashamed of myself if I did not speak out in favor of gay marriage; and I mean the truly equal right of marriage not civil unions which are in no way equal to marriage.

There is no doubt that the gay community will eventually share the same privilege to marry as do the rest of the citizens of the United States. New Hampshire has the opportunity to lead in this effort. Consider how much more respect you will have from the generations ahead, your children, grandchildren, great grandchildren if you step forward now and lead in the effort to grant gays and lesbians the choice of marriage.

Thank you for your consideration of this important issue,



Susan Forman  
POBox 254  
Intervale, NH 03845

Good evening, and thank you for this opportunity to appear before your committee to express my positive, life-affirming views on same-sex marriage.

My name is Roderick Forsman. I am a resident of the Town of Conway, and am a practicing psychologist with a specialization in child and adult development. In my view, the arguments against same-sex marriage boil down to prejudice. It was sexist prejudice that undergirded the laws against women's voting rights. It was racist prejudice that opposed full civil rights for Blacks. It is homophobic prejudice that opposes same-sex marriage. There is not a shred of evidence I am aware of for the claim that same-sex marriage threatens the institution of marriage. What most threatens that institution is divorce, which ironically is presently the sole preserve of married persons.

We do not need to be mental health professionals to be aware of the destructive effects of prejudice on a society's individual citizens. Its negative effects are painful and destructive enough when expressed at the level of person-to-person. At least then the victim can chalk it up to individual ignorance. It is vastly more destructive, in my view, when written into law and applied to entire categories of people.

Human beings are not categories. They are individual persons. With respect to same-sex marriage, they are persons who love each other and care for each other's well-being just as much as do persons in traditional marriage. They deserve the same rights and privileges as do traditional couples. And they deserve to be not victimized by prejudice parading as informed public law.

Thank you again for giving this citizen an opportunity to speak.



Roderick Forsman, Ph.D.  
P.O. Box 254  
Intervale, NH 03845

**Cianci, James**

---

**From:** Mooney, Maureen  
**Sent:** Tuesday, October 04, 2005 5:37 PM  
**To:** Cianci, James  
**Cc:** Russell@represcott.com; J.Fredyma@comcast.net; repbuckley@aol.com; bdupee@dhhs.state.nh.us; Fuller Clark, Martha; Gallus, John; MacKay, James; Gatsas, Theodore; Barnes, Jack; edofthenotch@aol.com; tsoltani@soltanilaw.com; Mooney, Maureen; Odell, Bob; Cianci, James; s.earnshaw@comcast.net; Vaillancourt, Steve; bud.fitch@doj.nh.gov; MaureenCM@aol.com; paulbrassard@juno.com  
**Subject:** FW: The Luke-Lane family support gay marriage

Jim - Please add to SB 427 file. Thank you.

---

**From:** Joe Lane & Stacy Luke [mailto:stacyandjoe@yahoo.com]  
**Sent:** Tue 10/4/2005 9:41 AM  
**To:** votemooney@aol.com  
**Subject:** The Luke-Lane family support gay marriage

Dear Rep. Mooney,

In the early 1960s when my parents met (Stacy's), there were still states in which they could not legally marry or, if they were married, legally live together. Luckily, New Hampshire was not one of those states. My father is Chinese and my mother is of French-Canadian descent. In the end, they had four children and were wonderful parents. Back then, the same arguments were made against inter-racial marriage as is being made now against gay marriage. I've read and studied the vague parts of the Bible that say marrying another race is bad, about as vague as the Leviticus passage and about as easily to interpret in many ways. My parents were also told that their children wouldn't be well-adjusted, picked on, and not fit into society. I believe on all counts the nay-sayers were wrong, just as I think they are wrong now.

We are blessed to have many gay and lesbian family members and friends. As we are trying to get pregnant and try to start a family soon, we look at who could care for our children if something should happen to us. Foremost in our minds are a lesbian couple who are close to us. They are the best parents to their own two daughters and we know they would best care for our children and represent the values we live by. But, as laws, poor sentiment, reactionary behaviors, and just plain ignorance persists, how strong would any will or legal document be when this couple cannot even legally marry in the state of New Hampshire.

Society is changing. New Hampshire can continue to be the state we are always proud. I always say that New Hampshire lives by its Live Free or Die motto. Live up to that motto and please recommend gay marriage be adopted in this state.

Sincerely,

10/05/2005



Stacy L. Luke & Joseph M. Lane  
PO Box 358  
Ashland, NH 03217

---

Yahoo! for Good  
[Click here to donate](#) to the Hurricane Katrina relief effort.

My name is Natalie Woodroffe. I live here in Littleton. Thank you for holding this hearing here tonight in the North Country.

Like many in this room, I grew up at the time when women and people of color opened the eyes of America to the prevailing inequities of gender and race. I remember the violent and divisive fight for the right of people of different races to marry one another – at the time, some who opposed this right declared it as 'God's plan'. The 1967 decision by the US Supreme Court finally gave equality, protected by law, to these couples. Today the majority of Americans support this value. But now we face another test of our beliefs and those who embrace the values of equal rights for all must continue to advocate for extending marriage as a right for the gay and lesbian community.

This is not a religious issue – Churches that oppose this right can refuse to perform marriage ceremonies, just as they can now refuse to marry people of different faiths. This is a human rights issue. Today if the federal government likes whom you marry, you get a vast array of legal and economic protections and recognition – from Social Security and access to health care, veterans benefits and immigration rights, taxation and inheritance rights, and literally a thousand other benefits that are denied to same sex couples.

If we truly believe in American values, we must stand with our Constitution that guarantees and protects the individual liberties of all Americans. We must not single out a class of citizens for unequal treatment. Our Constitution promises liberty and justice for all, not just the majority. We have the opportunity to oppose an un-American caste system that legitimizes one kind of 'committed relationship' while making same sex relationships second class.

Imagine being unable to have the rights that so many of us take for granted – the right to visit your lifetime partner in the hospital...to inherit property without a will...to make medical decisions for your incapacitated mate? ...There are over a million children being raised in same sex households – these children suffer, too, from a lack of rights – unable to establish a legal relationship with both parents, to receive Social Security survivor benefits, and other important protections.

Ultimately this is about deciding what kind of country and state we are going to be.

Is New Hampshire to be a state where two women who choose a life together, perhaps raise children or tend to elderly parents, pay taxes,

contribute to the community, care for one another, can be free and equal, or a state where they can be told by the powers that be that they are somehow lesser or incomplete or not whole because one of them isn't a man?

Is New Hampshire a state that respects the separation of church and state, where government does not take sides on religious differences, but rather respects religious freedom while assuring equality under the law, or will it be a state governed by one religious ideology imposed on all?

Is New Hampshire to be a state where we all, minorities as well as majorities, popular as well as unpopular, have the opportunity to make important choices in about our lives regarding marriage, or will we only support liberty and justice for some?

I hope you will take to heart and mind the testimony you hear tonight from those who seek fairness and equity. Thank you for your time.

Natalie Woodroffe  
95 Fox Ridge Road  
Littleton, NH 03561

July 25, 2005

To the Honorable Commission to Study all Aspects of Civil Marriage for Same Sex Couples as Directed by Senate Bill 427

Dear Commission Members,

My name is Heather Marcus and I live with my husband, Zachary Morris, in Dublin, New Hampshire. I am writing this letter in support of marriage equality for same-sex couples.

Discriminating against gay and lesbian families is wrong and unconstitutional. Without marriage equality, important legal rights including access to health insurance, immigration, hospital visitations, government benefits and pensions, and inheritance are denied. There is no question that the right to marry should be afforded to every committed couple.

I strongly urge you to change the law to bring these families the rights they deserve. We have an incredible opportunity to end this discrimination and I look forward to seeing marriage equality enacted in New Hampshire.

Thank you for your consideration.

Sincerely,



Heather Marcus  
Dublin, NH

H19

Bill Bilodeau  
163 River St.  
Keene NH 03431  
July 25, 2005

N.H. Commission to Examine All Aspects of  
Same Sex Civil Marriages and its Legal Equivalentents

Commissioners:

My name is Bill Bilodeau and I live in Keene with my wife and two children.

Thank you for coming here to listen to what citizens think about the topic of marriage equality. As I understand it, your task is to examine the issue of same-sex marriage and/or civil unions and determine what impact it would have upon our state.

Count me as among those wondering exactly that. What impact would it have if all adults were afforded the same right to join as partners under the law? Other than maybe increasing costs for insurers who would have to treat such couples as they already do the vast majority of life partners, I can see none.

Personally, I see no way in which my family would be harmed if the gay pair down the street or two towns away that already live as a couple were suddenly allowed to marry or join civilly. My kids aren't going to come racing home from school in a tizzy or question the meaning of their existence because people they don't know (or maybe some they do) have a piece of paper saying their union is recognized by the state. They've been raised to know people are different in all sorts of ways, and that doesn't make any of them better or worse than others – just as they themselves aren't better or worse for their own unique qualities.

My marriage certainly isn't going to become devalued because someone else is admitted to the "club" whose sexual orientation is different from mine. It suffers far more from those who treat marriage as a convenience to be discarded the first time it becomes work.

Likewise, I find it hard to see how such equality of rights would harm the state, the church (for the record, my church of preference supports gay unions) or society as a whole.

New Hampshire prides itself on independent thought and action, on refusing to be swayed by the political agendas outside the Granite State. I urge you not to fall victim to the irrational fear being spread around the nation on this topic and ask yourselves, as Granite-Staters, the question I posed to myself. Exactly what *would* be the harm in granting equality to all adults concerning marriage in our state?

Thank you for your time and good luck with your task.

  
Bill Bilodeau

52

As the father of 3 children, all in their 40's, all I demand is equal treatment for all of them! The right to marry with it's intendant rights from State and Federal Government. Rights that the other 2 can take of granted because they enjoy them. My, gay, middle son however must not only put up with wise cracks and fear of harassment and the lack of 100's of protections under the law, so that he and his partner in a beautiful and harmonious relationship of 11 & ½ years sought the "thinking" country of Canada to marry in safety.

This country was established on the basis that all people would have the right equality under our laws. Somewhere along the way, a self-appointed few changed the rules. That equality must be restored! Now is the time! New Hampshire's motto, "LIVE FREE OR DIE" is still ours! Let's live up to it!!

Gordon R Sherman Jr  
33 Christian Ave 119  
Concord, NH 03301-6128  
603-223-6664  
<gordon.Sherman@verizon.net

Sandra Van de Kauter  
38 Felt Road  
Keene, NH 03431  
603-358-3101

July 27, 2005

Rep. Maureen C. Mooney  
Room 208  
Legislative Office Building  
Concord, NH 03301

Re: Testimony on same-sex civil marriage

Dear Ms. Mooney and All Whom It May Concern:

I am a middle-aged, married, churchgoing mother of two. Anyone who says his or her marriage is threatened or devalued by same-sex marriage either has an incredibly unfortunate, unstable marriage, or is lying. If they really want to attack something that degrades marriage, they can start with Las Vegas spur-of-the-moment weddings involving drunk people. By attacking same-sex committed couples, all they are doing is waving a flag which says they are homophobic.

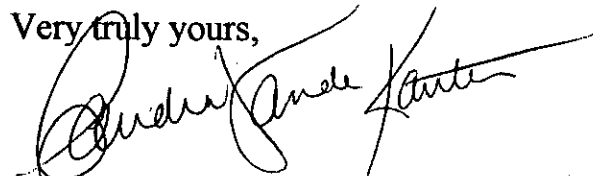
All civil marriage means is that the married couple is entitled to avail itself of the rights and shoulder the responsibilities of marriage. It means that the state recognizes the marriage for legal purposes, not that any particular religion has to recognize it. Even though the state recognizes divorce and it is legal for divorced people to remarry, nothing about our divorce laws requires, for example, the Catholic Church to recognize divorce or marry divorced people. Likewise, nothing about civil marriage requires any church to recognize gay marriage as sanctified or to marry gay people. The various churches can continue to preach against gay marriage, gay sex, gay existence in spite of gays being made by God. Thanks to the First Amendment, they can preach whatever fool or even hateful thing they want. What they shouldn't be allowed to do is foist their foolishness and hatred on the rest of us. Gay people should be allowed to get on with their jobs, their homes, their lives, and their married lives, if they want to take on that responsibility.

You'd think the makers of the "slippery slope" argument would be too embarrassed to make their ridiculous case, but I suppose desperation encourages people to say absolutely absurd things. Marriage to your dog? Please! Have these people never encountered the notion of informed consent? It's why twelve year-olds can't marry, and why, incidentally, no other contract is enforceable against them either. And if marriage is just for procreation, then we should disallow marriage of women past menopause, for starters. If we were really serious about the procreation argument, we'd require medical evidence of fertility before anyone was allowed to marry. Clearly, this is not a serious argument. The makers of this "argument" are just hurling mud at the wall, hoping that something will stick.

Churchgoing and other people who are concerned about the sanctity of marriage have legitimate concerns. A lot of things in our society threaten marriage, including the popularity of vapid magazines about the lives of stupid famous people, far-too liberalized divorce laws, and a culture which does not recognize that Real Men, gay and straight, do a lot of unglamorous things like coaching kids' teams and dragging car seats through airports. But those of us who are truly concerned about the sanctity of marriage should not be seeking to harass those who want to contribute to the sanctity by voluntarily shouldering and upholding the responsibilities of marriage. We should be welcoming those who "get it," not running scared of people who are just like us, except for the fairly irrelevant fact that God made them gay. And make no mistake: their homosexuality is actually irrelevant. What matters is what kind of people they are to each other and in society. Who cares what they do in the privacy of their homes? Do you know what your heterosexual neighbors do in the privacy of their homes? Do you really care? To the extent that people are tired of "all this talk" about homosexuality, it would largely go away if gays had civil rights, because there would be nothing much to talk about.

Thank you for the opportunity to voice my opinion in this matter. New Hampshire should extend all civil rights, including the right and responsibilities of marriage, to same-sex couples.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sandra Van de Kauter". The signature is written in a cursive, flowing style with some loops and flourishes.

Sandra Van de Kauter



June 22, 2005

To Whom it May Concern,

First off, I am a resident of New Hampshire (and actually a native as well) currently living in Rochester, NH with my wife, Laura, for these past 14 years. I am by gender definition a heterosexual male in a "normal" marriage (i.e. my spouse is a heterosexual female). But I do not believe that legal benefits of our "civil union" are defined by our sexual preference. Rather, I believe that marriage as a civil union is transcendent of that definition. Marriage to me represents my commitment to my partner throughout our time together on this earth; in sickness and in health, in wealth or through poverty and not just because we are a man and a woman that choose to marry.

I also believe that our country and our state's founding fathers (and their "partners" that stood beside them) created this country with the ideal that no group would be disenfranchised due to their beliefs, their ethnicity, their station in life, nor their sex or even their sexual orientation. Why do I believe this is so? Because in spite of all the troubles this country has had, the trials of civil war and civil demonstration that it has passed through, the one clear goal that remains is that "all...are created equal and endowed with certain unalienable rights...those being life, liberty and the pursuit of happiness". In the language of the time, our founders said "men" but as we've come to understand those words better it really means all human beings. And their vagueness on "who's rights" was done with purpose, for the protections and ideals expounded in the Declaration of Independence and the Constitution of the United States should correctly be construed as all inclusive. To name one group over the others would be to limit the reach of those ideals.

Therefore, to leave one group unprotected by any form of civil union, to deny them the legal benefits afford other groups by marriage, flies in the face of that clear ideal that all are equal. Opening the door for civil union (to avoid the hot button term of marriage) for all sexual persuasions isn't just an idea whose time has come. It's making right a wrong that's long overdue.

Yours Truly

Phillip W. Hammond Jr.  
14 Unity St.  
East Rochester, NH 03868 U.S.A.

> 1  
July 25, 2005

To the Honorable Commission to Study all Aspects of Civil Marriage for Same Sex Couples as directed by Senate Bill 427

Dear Commission Members:

My name is Wendy Scott Keeney, I live in Marlborough, NH and I want to be counted in support of marriage equality for same-sex-couples for the following reasons.

- Marriage is a commitment. It is about sharing, love, trust, and compromise. Two adults who make this private personal choice to form a life-long commitment should not be denied the right to marry just because they are gay or lesbian.
- Gay Americans serve in the military, keep our communities safe as firefighters and police officers, staff our hospitals, build our cities, and pay taxes. Denying gay couples the right to legally marry takes away legal rights in pensions, health insurance, hospital visitations, and inheritance that other long-term committed couples enjoy. We should end this discrimination.
- Today we look back, almost disbelieving, on the time when many Americans did not tolerate marriage between Catholics and Protestants, between whites and blacks. Unfortunately, our laws continue to deny a basic right to marry to two adults simply because they are gay or lesbian.

Sincerely Yours,

Wendy Scott Keeney

H9

Thank you for the opportunity to speak before this commission. My name is Wendy Gaal, and I live in North Sandwich, NH. I am straight and was married in a civil ceremony performed by a Justice of the Peace 23 years ago. This was a civil right I had solely by virtue of the sex of my partner, not by virtue of our mutual love, respect, and commitment. If we had desired a religious ceremony, we could have elected to do so as well. We did not. I fail to see why this civil right and choices are not available to same-sex partners. It is fair, it is just...and long overdue. I see no way that this extension of my civil right to others would in any way harm 'the institution of marriage'—mine or anyone else's. I urge you to support passage of legislation that will provide same sex couples the civil right to marry in New Hampshire.

As a postscript, I heard this panel ask speakers at the Littleton hearing if they felt being gay was 'nature or nurture' or some sort of decisive choice. I would suggest that few of the speakers were qualified to answer that question with authority and knowledge. I know I am not. However, I would ask you this: How could sexual preference for a same-sex partner be a deliberate choice when 1. doing so yields such heartbreak for same-sex couples and 2. yields hostility and discrimination by individuals trying to impose their beliefs and restrictions on the behavior and civil rights of gay and lesbian couples?

Wendy Gaal  
142 Whiteface Road  
PO Box 91  
North Sandwich, NH 03259  
603/284-7734

June 22, 2005

To Whom it May Concern,

I am sorry that I will not be able to attend the public hearing on marriage equality.

I will have been married 23 years this summer. At no point in Terri's and my marriage have I felt that the marriage of any other couple threatens our marriage. The fact that two people who are in love choose to claim that marriage bond legally, once again, does not diminish my marriage. What impacts my life and marriage is the friends that we let into our life. Our friends have had many different domestic relationships from being single, to living together, to being married, to being divorced, and to being widowed. Our friends' relationship with another person positively impacts my life in that my friend has fulfillment and happiness in which to share.

It is my friends that impact my life. They add to my marriage because they are my friends. It matters not whether my friends are straight, gay, lesbian, queer, or transgendered. They are my friends. Because they are my friends they add to my life. Being straight, gay or lesbian is who they are and I choose my friends for who they are.

For those who are not my friends, the mere fact that they may be married, divorced, single, or widowed neither enhances nor impedes my marriage. My marriage is strong because Terri and I make it strong. Its strength is on our hands. It must be a brittle marriage that is threatened by the relationship choices of others. Neither the divorce or marriage of others claims value over my marriage. I am not diminished by others who love.

Thanks,

Todd DeMitchell

Mr. Chairmen and Commissioners:

Thank you for choosing Nashua as one of the sites for your public hearings on this important issue.

I speak today in support of the recognition in New Hampshire of same sex marriage and civil unions.

I have the very good fortune to be sharing a commitment in marriage with my husband of 18 years. With that experience, and remembering the love that led to that commitment, I cannot and will not sit in judgment of any person who loves someone of the same sex. Therefore, I do not object to any two folks who love each other and are willing to make this same commitment. Rather I, acknowledge, respect and celebrate their commitment as I do my own. *after my hysterectomy*

I *am* opposed to the growing intrusion into such private places as our bedrooms, our bodies, our deathbeds, and our hearts. A woman's right to choose, a cancer or AIDS patient's right to pain relief, and death with dignity – these rights are under attack. Counter to this trend, thankfully, is the growing recognition that same-sex marriages do *not* affect more traditional families. Government recognition of such marriages represents public recognition of pairings and families that already exist.

A narrow definition of family is no longer valid in 2005. Although it's difficult to zero in on exact statistics, it's fair to state that the mix-and-match composition of American families today has many versions. And I never thought I would include this name, but even WalMart, America's behemoth mainstream corporation, has changed its definition of "immediate family" in some states to include an employee's same sex partner.

Most people in a civil society live by a civil moral code with common denominators, which mostly decree what we *shouldn't* do. It does not tell us whom we should love or make lifetime commitments to.

It is my sincere belief that any two people who are willing to make the commitment of marriage should be recognized by the state and granted all the rights and privileges that the state confers on married heterosexual couples.

There is too much meanness and violence in our world to not allow love to flourish wherever it's found between consenting adults and to provide all couples all the legal rights that without question accompany heterosexual marriage. *regardless of procreation.*

Thank you.

Rep. Suzanne Harvey  
Hillsborough District 21, Nashua Ward 2  
8 Crawford Lane  
Nashua, 03063

#29

Hearing of the Legislative Oversight Committee  
On Same Sex Marriage  
July 25, 2005

Mr. Chairman, Members of the Committee, and Fellow Citizens,

My name is Larry Butcher. My wife and I live in Keene. We have two grown children, one of whom also lives in Keene.

You deserve our thanks for the important work that you are doing. We know you are hearing some raw emotions, and each of you may be personally torn by what you are hearing, and by your great responsibility to help chart a path for New Hampshire on this divisive issue.

I hope you also feel an obligation to make sure that your recommendations are not based on who shouts the loudest.

I am not going to shout, but I want to urge strongly that you recommend that New Hampshire change its laws to provide equal or equivalent legal treatment for same-sex couples who have made the kind of pledges and long-term commitments which we recognize in civil marriage ceremonies.

Let me give you some real life stories of six gay and lesbian people I knew before I moved to New Hampshire four years ago:

- An eminent physician and burn specialist, with a decades-long relationship;
- The organist and the minister at our Christian church;
- A courageous fellow Foreign Service Officer;
- My son's gifted choir director.
- An art teacher, who is gifted with children – and whom we have known since her childhood;

I can guarantee that every person in this room would be blessed to know these individuals, to have them as neighbors, and to call them their friend.

The same is absolutely true of the sizable number of other gay and lesbian individuals and couples that I have met in Keene, and whom I hold in the highest regard.

The difference is that three of the individuals I first mentioned are Canadians, and they now can enjoy the same legal rights as other, heterosexual couples who are in long-term relationships.

But my gay and lesbian friends and neighbors here can be denied hospital visitation and advisory rights, they are not legally entitled to family benefits under health insurance plans, and they are denied equal treatment under a wide array of government laws and

programs that are designed to encourage long-term, stable relationships – exactly the kinds of relationships which most of them already have.

I can understand if you want to recommend the “Vermont option” of “civil unions” to provide equivalent treatment for same-sex couples, if you think this compromise solution is the best way to both correct this wrong and navigate the intensity of the emotions and the divisiveness over using the term “marriage.”

What I could not understand would be a recommendation to do nothing and to allow this injustice to continue.

July 22, 2005

To the Honorable Commission to Study all Aspects of Civil Marriage for Same Sex  
Couples as Directed by Senate Bill 427

Dear Commission Members:

I am Polly Bannister, a resident of Dublin, NH, and I support marriage equality for same-sex couples. I truly believe that same sex-couples are being denied a right under the current laws. I know many same-sex couples who are unable to live full and satisfying lives because they are being denied the right of marriage equality.

I think it is important to note that the million-strong United Church of Christ has recently become the first major United States Christian denomination to come out in support of gay marriage. The Church made this announcement on July 4, America's Independence Day. It is significant that the Church chose to associate their resolution of gay support on the day Americans celebrate our freedom and independence. We should follow their courageous lead by recognizing that gay couples should definitely have the same rights and benefits as other married couples on matters such as life insurance, health care, immigration, social security benefits, child custody, access to pensions and the support the military extends to married couples, and other critical domestic rights.

Same-sex couples have a right to enjoy the same freedoms as other married couples and to have their relationships recognized as marriages by the state and the church.

Thank you for your consideration,



Polly Bannister



**Hearing by SB 427 Commission to Study Same Sex Marriage  
May 31, 2005  
Littleton Opera House**

Members of the SB 427 Commission to study same sex marriage, thank you for holding this hearing on a topic important to all of us in NH. My name is Stephen Gaal and I am a resident of North Sandwich, NH. My wife Wendy and I have been married for nearly 24 years. I am a registered undeclared voter in NH, work as a furniture maker, and attend religious services regularly. I am here to speak in favor of same sex civil marriage.

I see the lack of access to same sex civil marriage as a civil rights issue, plain and simple. It is no different in substance than the many other instances of discrimination in our history that many have worked diligently to overcome over the years. As the saying goes, "Some of my best friends are members of same sex couples." They work as hard as you and me; they pay their taxes like you and me; they contribute to their communities like you and me; and they raise their children. They are indistinguishable from you and me in every way but two: they are involved in a long term, caring, loving, but same sex relationship, and they are denied many of the basic rights, privileges, and obligations that come with marriage and many of us in this room take for granted.

Some critics of same sex marriage make outrageous claims. Among them is the idea that you can obtain the equivalent legal rights of marriage through a carefully constructed set of civil contracts. Although this may be theoretical correct, we all know it is practically impossible. The thousands of Federal laws and the uncounted number of state laws that reference marriage as a prerequisite for a right or a benefit make the task of emulating civil marriage unattainable.

The passage of legislation providing for same sex civil marriage is something that every politician among us should love: it provides something of real value to a significant minority of your constituents, and costs nothing. I certainly don't feel that enabling same sex civil marriage threatens my marriage or my family in any way, nor does it take anything from me. But it does offer to my friends and neighbors the same civil rights I take for granted.

I urge you to support same sex civil marriage. Thank you.

**Stephen Gaal  
PO Box 91  
North Sandwich, NH 03259  
603 284 7183  
steve@gaal.com**

August 29, 2005

Dear Commissioners:

I am from Bartlett and I am a heterosexual woman - straight but not narrow, as the saying goes. I will try not to repeat too much of the many hours of testimony you have heard or read in the past months. I do appreciate the time to share my thoughts.

A true committed relationship takes great courage and conviction for any couple. For gays and lesbians its even harder because it's not legally sanctioned as a marriage and many of the people in their lives don't take the commitment seriously. This holds true for straight couples who aren't married as well. The difference is that straight couples have a choice. Gay and lesbian couples who wish to be married should be able to do so. They should be comfortable in the knowledge that all the things about marriage us straight folk take for granted will also hold true for them: their spouse and children will get the same medical insurance offered to straight couples, their spouse will be the one making medical and legal decisions in the event of incapacitation, his or her spouse will raise their children and inherit his or her estate (or debt as the case may be) at his/her death, and so on and so forth. They should not be forced to hire lawyers and go through all sorts of hassle, expense and humiliating governmental scrutiny in order to attempt to raise and provide for their families.

Why "marriage" in particular? There are more than 1000 federal laws and well over 300 New Hampshire state laws that contain a reference to "marriage". The wording of every single one of those laws would need to be changed with the use of any other term such as "civil union". The most expedient and economical way to ensure that our gay/lesbian family members, friends and neighbors are granted all of the responsibilities, rights and privileges defined by those 1300 plus laws is to remember what a true committed relationship entails, regardless of who is in it, and call it what it is: marriage.

Thanks much for your time and consideration,

*Sandy Reinhardt*

June 22, 2005

To Whom it May Concern,

I am unable to attend tonight's meeting on Marriage Equality, but I have a few comments that I would like to make as a contribution to this community conversation/discussion. Let me first say that I appreciate being provided with the opportunity to address this group. This is an important conversation, and I believe that honest, authentic dialogue is very important as we attempt to create a high-quality, harmonious, diverse, and cohesive community.

I personally believe that gay and lesbian couples, who have decided to make a life-long, loving commitment to one another, should have the opportunity to marry in the state of New Hampshire (I am currently a resident of Dover, NH) and elsewhere around the country. It wasn't long ago that Catholics and Protestants or white and black couples were discouraged from marrying one another, and we can see clearly now that this was discriminatory. Denying gay and lesbian couples the opportunity to marry is equally discriminatory. The state of Mass. has provided gay and lesbian couples the opportunity to marry for approximately one year now, and it is interesting to note that the negative ramifications espoused by opponents of gay and lesbian marriage in that state have not come to pass. In fact, in recent newspaper articles in The Boston Globe on the 1-year anniversary of the state permitting gay and lesbian marriages, all of the articles were about the fact that marriage created a very positive, sometimes life-changing difference in the lives of people -- those who were married, but also the people who surrounded those who were married. Marriage can be a very positive, and very powerful event that significantly enhances relationships. Think about the number of gay and lesbian people who were married in Mass. over this last year, and all of the positive things that have flowed out of these marriages.

No one has been able to convince me that gay and lesbian marriage is a bad thing and should be banned, in fact, all of the things I've read and the people I've talked with suggest just the opposite. This is a very good thing for the people involved and if their lives are enhanced in a positive way, this can only be a positive for their families, children, workplaces, organizations, churches, etc. Thanks again for the opportunity to express my opinion.

Carrie Doyle  
Dover, NH

**Cianci, James**

---

**From:** repbuckley@aol.com  
**Sent:** Tuesday, October 04, 2005 12:47 PM  
**To:** Mooney, Maureen; Cianci, James  
**Cc:** Russell@represcott.com; J.Fredyma@comcast.net; bdupee@dhhs.state.nh.us; Fuller Clark, Martha; Gallus, John; MacKay, James; Gatsas, Theodore; Barnes, Jack; edofthenotch@aol.com; tsoltani@soltanilaw.com; Odell, Bob; s.earnshaw@comcast.net; Vaillancourt, Steve; bud.fitch@doj.nh.gov; MaureenCM@aol.com; paulbrassard@juno.com  
**Subject:** Re: Marriage Equality

Commissioners,

Attached are the remarks of Julian Bond the leader of NAACP since 1998 at last weekend's Human Rights Campaign National Dinner. Mr. Bond is a former Georgia State Senator and was a one of the most prominent Civil Rights leaders in the 1960s.

I ask that his remarks be included in our files.

Raymond Buckley  
24 Gabrielle Street  
Manchester, NH 03103  
NHDP - 603-225-6899  
Home - 603-668-7151

Human Rights Campaign  
Washington, DC  
October 1, 2005  
Copyright 2005 by Julian Bond

I am more than honored to receive this award, and want to express my thanks to all responsible for it. I want to promise you that I intend to live my life as if I actually deserve it.

I believe it represents a common acknowledgement that denial of rights to anyone is wrong, and that struggles for rights are indivisible.

I feel tonight a little like the great abolitionist Frederick Douglass must have felt in April, 1888. Douglass, by then an old man, was addressing a women's convention in Seneca Falls, New York. They praised him for his devotion to the cause of women's suffrage. Forty years earlier, at the world's first Women's Rights Convention, when Susan B. Anthony made a motion that American women had the right to vote, it was Douglass who seconded the motion.

In 1888, Douglass reflected back on that moment and told his audience,

"When I ran away from slavery, it was for myself; when I advocated emancipation, it was for my people; but when I stood up for the rights of women, self was out of the question, and I found a little nobility in the act."

You have all made me feel noble tonight.

I am proud to represent an organization that has fought for justice for all for nearly 100 years, and while we've won many victories, we know – you know – there are other battles yet to be waged and won.

At the NAACP, we were proud to have opposed the federal marriage amendment and its wrong-headed versions in several states. President Bush backed amendments banning same-sex marriage, calling marriage “the most fundamental institution of civilization.”

Isn't that precisely why one should support, not oppose, gay marriage?

The NAACP recently passed a resolution to strengthen families, including yours. We promised to “pursue all legal and constitutional means to support non-discriminatory policies and practices against persons based on race, gender, sexual orientation, nationality or cultural background.”

We know there was a time, not so long ago, when black people in this country couldn't marry the person of their choice either. The California Supreme Court was the first, in 1948, to strike down laws prohibiting interracial marriage.

Now the California legislature has become the first to legalize gay marriage.

As California goes, so goes the nation. It's just a matter of time.

Almost twenty years after California legalized interracial marriage, the United States Supreme Court heard the aptly named case Loving v. Virginia.

A married couple - Richard Loving, a white man, and Mildred Jeter, a black woman – won a ruling from the Court that Virginia's miscegenation laws were unconstitutional. That case enabled me to get married in Virginia. That case recognized marriage as one of the inviolable personal rights pursuant to happiness.<sup>1</sup>

That's why when I am asked, "Are Gay Rights Civil Rights?" my answer is always, "Of course they are."

"Civil rights" are positive legal prerogatives – the right to equal treatment before the law. These are rights shared by all – there is no one in the United States who does not – or should not - share in these rights.

Gay and lesbian rights are not "special rights" in any way. It isn't "special" to be free from discrimination – it is an ordinary, universal entitlement of citizenship. The right not to be discriminated against is a common-place claim we all expect to enjoy under our laws and our founding document, the Constitution. That many had to struggle to gain these rights makes them precious – it does not make them special, and it does not reserve them only for me or restrict them from others.

When others gain these rights, my rights are not reduced in any way. The fight for "civil rights" is a win/win game; the more civil rights are won by others, the stronger the army defending my rights becomes. My rights are not diluted when my neighbor enjoys protection from the law – he or she becomes my ally in defending the rights we all share.

For some, comparisons between the African-American civil rights movement and the movement for gay and lesbian rights seem

to diminish the long black historical struggle with all its suffering, sacrifices and endless toil. However, people of color ought to be flattered that our movement has provided so much inspiration for others, that it has been so widely imitated, and that our tactics, methods, heroines and heroes, even our songs, have been appropriated by or served as models for others.

No parallel between movements for rights is exact. African-Americans are the only Americans who were enslaved for more than two centuries, and people of color carry the badge of who we are on our faces. But we are far from the only people suffering discrimination – sadly, so do many others. They deserve the law's protections and civil rights, too.

Sexual disposition parallels race – I was born black and had no choice. I couldn't change and wouldn't change if I could. Like race, our sexuality isn't a preference – it is immutable, unchangeable, and the Constitution protects us all against prejudices and discrimination based on immutable differences.

Those whose bigotry is Bible-based selectively ignore Biblical injunctions in Exodus to execute people who work on the Sabbath and in Leviticus to crack down on those who get haircuts or who wear clothes with more than one kind of thread.

Recently, they've even ignored the sanctity of marriage – just ask Michael Schiavo.

Many gays and lesbians worked side by side with me in the '60s civil rights movement. Am I to now tell them "thanks" for risking life and limb helping me win my rights – but they are excluded because of a condition of their birth? That they cannot share now in



the victories they helped to win? That having accepted and embraced them as partners in a common struggle, I can now turn my back on them and deny them the rights they helped me win, that I enjoy because of them?

Not a chance.

In 1965, those of us who worked in the civil rights movement were buoyed by a radio address given by Lyndon Johnson.

His words speak to us today. He said then:

“It is difficult to fight for freedom. But I also know how difficult it can be to bend long years of habit and custom to grant it. There is no room for injustice anywhere in the American mansion. But there is always room for understanding those who see the old ways crumbling. And to them today I say simply this: It must come. It is right that it should come. And when it has, you will find that a burden has been lifted from your shoulders too. It is not just a question of guilt, although there is that. It is that men cannot live with a lie and not be stained by it.”<sup>iii</sup>

One lesson of the civil rights movement of yesterday – and the on-going civil rights movement of today – is that sometimes the simplest of ordinary acts – taking a seat on a bus or a lunch counter, registering to vote, applying for a marriage license – can have extraordinary ramifications. It can change our world, change the way we act and think.

Thank you again for this honor.

The old ways are crumbling.

It must come.

Let us leave here determined to fight on until it does.

(Julian Bond has been Chairman of the NAACP Board of Directors since February 1998. He is a Distinguished Professor in the School of Government at American University in Washington, DC, and a Professor of History at the University of Virginia.)

---

<sup>i</sup> "Loving v. Virginia", The Encyclopedia of Civil Rights in America, Vol. 2, Eds. David Bradley & Shelley Fisher Fiskin, Sharpe Reference, Armonk, New York (1998), pp 549.

<sup>ii</sup> President Lyndon Baines Johnson, Radio address (1965).

# 28

Dear Committee Members,

Cheryl Smith and Charlene Andersen from Nottingham.

Thank you for having this important public hearing. We are for marriage. A report titled "Why Marriage Matters" published in 2002 by the Institute for American Values the report cites 21 conclusions for marriage. Some of these conclusions are as follows:

"Adults who live together are more similar to singles than to married couples in terms of physical health and emotional well-being and mental health, as well as in assets and earnings"

"Marriage seems to be a wealth-creating institution. Married couples build more wealth on average than do otherwise similar singles or cohabiting couples, even after controlling for income. The economic advantage of marriage stems from more than just access to two incomes. Marriage partners appear to build more wealth for some of the same reasons that partnerships in general are economically efficient, including economies of scale and specialization and exchange. Marital social norms that encourage healthy, productive behavior and wealth accumulation (such as buying a home) also appear to play a role"

"Married people live longer."

"Married people appear to manage illness better, monitor each other's health, have higher incomes and wealth, and adopt healthier lifestyles than do otherwise similar singles."

So, yes we are for marriage for the reasons of commitment, stability, fidelity, community and economics.

We as a couple, although unable to marry, live our lives similar to most married couples. We own a home, have joint bank accounts, participate and volunteer in our community, socialize with our neighbors, care for each other when we are ill, and are integrated into the lives of both our families. A major difference however, is that we have had to endure additional financial burdens due to the fact that we cannot be legally married in New Hampshire. These additional financial burdens have been necessary to assure that our financial future and health and well being is safe guarded. Some examples of the financial burdens are as follows:

1. We are not able to obtain a multi-car discount on our automobile insurance because we are not married.
2. We need to have legal documentation such as health proxies and power of attorney to assure our health care decisions are followed and to assure that we can make decisions for each other.
3. We may be required to pay estate taxes if one of us dies.

4. We do not receive inheritance benefits from retirement funds because we are not the "spouse"
5. We have no rights to the Family & Medical Leave Act.
6. We are limited in our career choices to employers who offer domestic partner benefits, thus limiting chances for advancement, or greater income.

We are concerned for our future as we grow older and how the other will survive. Or how, if we are unable to take care of ourselves, we will be protected.

We believe in marriage and live our lives as a married couple, yet we do not have the rights and responsibilities of a married couple.

### Testimony at the Littleton Gay Marriage Inquiry

My name is Jean Kennard and I've been a resident of Easton for 23 years. I'm retired now but I was a professor at UNH for 32 years. I taught your children, your sisters and brothers, some of you I expect and probably some of your mothers and fathers. My partner taught Governor Lynch. He got a B+ by the way but that was in the days before grade inflation.

I have been in a committed relationship for the last 28yrs. We have been each other's best friend, lover, supporter...we have honored and cherished each other. There have been good times and bad as in any relationship, successes, failures, better and worse. We have seen each other through accidents, loss of vision, cancer ...sickness as well as health. In all the ways that matter we are truly married whether the state acknowledges it or not. But I should like my civil rights.

The legality of marriage is a civil matter. Church is supposed to be separate from state. If a man and a woman get married by a town clerk they are called married. It is not a question of religion unless they choose to make it so. Equality under the law means we all have the same civil rights, including the right to be married. And I mean married not unionized. We have surely learned by now that separate is not equal.

Civil unions did not undermine traditional marriage in Vermont; gay marriage will not undermine traditional marriage in Massachusetts any more than it has in the Netherlands or in Canada. It will not do so in New Hampshire.

April 4, 2005

Jennifer and Shelley Saylor  
Charlestown, NH

Our presence here is a representation of our love, our family and our commitment to our rights. My name is Jennifer Saylor and my wife, Shelley Saylor and I stand before you today to convey our meaning of family. We have two children ages fourteen and five. They are fortunate in many ways to be surrounded by love and a strong commitment to family in which is conveyed to them through our parenting. Our children have formulated their own definition of family. They see two individuals who love each other deeply and convey the meaning of family not only through their actions but through words.

I am an employee of the state of New Hampshire. I am an Associate Professor at New Hampshire Technical College in Claremont. I am the director of the Occupational Therapy Assistant program and full time faculty. I am also a practicing Occupational Therapist in the State of New Hampshire. I teach my students about the human condition and how there is equity in their relationships with patients as they grow into practitioners in the field of Occupational Therapy. I teach them that they need to view each patient no matter what race, religion, ethnicity, gender or sexual orientation that they hold that they should be treated with dignity and equity.

The laws in the state of New Hampshire do not grant this equity. The current position that our State Government holds is one of inequity. My wife, whom is currently working at home and managing our household is not eligible to participate in my health care benefits as marriage, as you all know, is defined as a union between a man and a woman in the State of New Hampshire.

---

My name is Shelley Saylor. I find it hard to believe that in this day and age I have to come and speak publicly to beg for rights that I am somehow not entitled to, as if I were a second rate citizen. It is nothing less than blatant discrimination that my family does not have the same rights and benefits as other families. Not only can I not receive health benefits through my wife's employer, but one of our children (my biological son) also does not have health insurance. It is difficult to explain to my son why his brother and his other mother can be considered a family and be entitled to certain benefits, but he and I are not. I really can not understand why anyone cares who I choose to love. As if denying us the same rights as everyone else will make us choose to be heterosexual. There was a time not very long ago that interracial marriages were treated the same way. Now it seems absurd that they were denied equal rights. This is no different. I see no reason that our state should allow this discrimination to continue; on what grounds? It seems to me it is based solely on a religious definition of marriage which has no place in governmental issues of equality. Gay and lesbian marriages are not a threat to "the institution of marriage" as religious fanatics would claim. I'd say the heterosexual divorce rate has

been the biggest detriment. I don't see anyone trying to pass a law saying that divorce should be illegal....how convenient.

Another issue we have had to deal with is all the legalities of guardianship in the event of one of our deaths, healthcare proxies and wills. These are all things that would be covered if our marriage was legally recognized.

We have so many gay friends that have children, men and women. I think many of you would be surprised at how common it is. We need to teach this next generation not to carry on this hatred. Only by gaining equal rights will we be able to do this. If our lives and opinions do not matter to the state, we will never be able to gain acceptance by those who are so against us. What I find so interesting is that I personally have not encountered any negativity toward my sexuality. We own our home and have wonderful neighbors with great kids. Our oldest son goes to a private school and the teachers, parents and kids are terrific. Our son has not had to deal with any discrimination. Our family has not had to deal with discrimination.....except by the state of New Hampshire; the state that we chose to move to; the state that we pay property taxes to; the state my wife works for, is the sole discriminating force we've encountered in our lives. That is sad.

I feel so fortunate in my life. I have two wonderful, beautiful kids and the best wife in the world. We have so much love in our family. Our youngest son says "that's why we have hearts right Mom? To hold all the love." I only wish that the state could recognize that we are no different than any other couple and that we deserve the same rights as any married couple.

Thank you for your consideration.

Written testimony

June 22, 2005

To: NH State Commission on same-sex and civil marriage  
From: Didi Wallace and Carrie Blake – 2 Beechwood Street Portsmouth, NH

Thank you for allowing us to come before you tonight and testify about our life. My name is Carrie Blake and this is my partner of 22 years Didi Wallace. We are for same-gender marriage and stand before you as an example of what same gender marriage looks like and feels like every day. We are patiently waiting for the day when we will be able to enjoy the rights of marriage that both of us were raised to cherish and honor. We are perhaps the longest engagement any of you have ever met...

For the past 22 years we have accepted and lived up to all the responsibilities of marriage. We promise to care for, love and honor each other until our death, and we renew this vow daily knowing that at any moment one of us, or our happiness, could be swept away. We accept these marriage responsibilities without any of the supports that our heterosexual friends take for granted. And we want to tell you it is a stressful wait.

In 1984, a year and a half after we met, we purchased our Portsmouth home and settled in to build a wonderful life together. As you consider what this change means to the many gay, lesbian and other monogamous couples making healthy and loving family lives in our state, we ask that you remember our faces. We just want each of you to know who we are and remember all the couples like us when you consider this change. We want the laws of our state to protect us.

We are getting older and thinking about retirement and related issues. Although both of our families had difficulty at first accepting that we were lesbians, they long ago came to love us and share in our joy as a committed couple. We have no fear that our families would honor our wishes and continue to accept and support each of us should something tragic happen. But our parents are getting on in years, and none of them would want, nor would we wish it for them, to have to stand before a body like this or a state court or judge, to fight to protect a survivor from some unanticipated fight for our home or assets. We want to know that if something were to happen to one of us the others rights would be protected by law.

I have worked for the same company for 25 years. And just this past year they finally offered domestic partner benefits so I can put Didi on my insurance. I can tell you how much of a personal toll it has taken for me to have to constantly fight for these rights without putting too much pressure on my employer that I risked my job. The company has lost productivity from me during these years and I have suffered emotionally. But finally that inequity is behind us.

We are for same gender marriage rather than civil unions because of the ease of the change in the civil sector. And only the civil aspect of this issue is what is being discussed here. This is not a religious issue. What we ask from the state will put no pressure or influence on any religious body to change or alter their beliefs or actions in any way. But civil marriage is what is already written into our laws and systems and procedures and processes. It is therefore the easiest and least costly way to extend rights to all. It will not require exceptions and branches in the



processes nor footnotes and special processing as it is already at the core of how these rights are granted and how we function.

In our circle of friends we have many long-term heterosexual and gay couples and all live their lives with the same loving and kind commitment to one another. There is no difference. Those with children love them equally as they are all tolerant and accepting people and teach their children these values. Children should always be raised in love and not hate. The thing that same-gender marriage offers is the freedom to live honestly. We were both raised to think that marriage was the way we would live our lives. We both tried dating men but did not want to settle for loveless marriages. We fell in love with women and finally with each other and then knew that living in love is better than living a lie. Not allowing gay marriage forces many questioning people to settle for loveless heterosexual marriages where children are then raised in an environment that is less than optimal. I grew up in an unhappy home and know this is not the best life for any child.

Again we thank you for taking the time to look at this issue carefully and we continue to await the day when we have the same rights our heterosexual peers currently enjoy.

Respectfully,

Carrie Blake and Didi Wallace

39

**MARRIAGE EQUALITY STATEMENT of  
Joe Graffeo, POB 156, Gilsum, NH**

It is time for us to stop being afraid of taking away another's rights when it comes to marriage equality. The sacrament of marriage does not come with a manual that states only certain kinds of people can avail themselves of marriage. The rights and responsibilities that come with marriage belong to anyone willing to make the commitment. The strength of love will either prove the union true or not true, but in the end it makes not one bit of difference as to how the two persons self-identify – as heterosexual, as bisexual, or as homosexual.

To be afraid of someone who might be different in any respect is no way to live. I encourage the Commission to take a bold stand and conclude that marriage equality is the only to serve all constituents living in New Hampshire – not only those that have the automatic privilege of marriage because they choose to identify as heterosexual.

*Joe Graffeo* 7.25.05

I am speaking in support ~~of the development~~ of a state law that would allow for marriage between any two adults who wish to make this serious commitment to each other. In New Hampshire there is a tradition, dating from colonial times, of individual freedom and independence. The right to marry should not be restricted on the basis of sexual orientation, any more than it is restricted on the basis of qualities such as race or ethnic origin.

My conviction that civil marriage should be available to all is founded on my experiences, including knowing lesbian and gay couples who are in committed relationships of twenty and thirty year duration. Some of these couples are raising children or have raised children who are now adults. These loving, deeply committed relationships have all the qualities needed to make a marriage.

Marriage protects the children in a family. When parents are married, both parents are legally allowed to make decisions relating to their child's medical care, religious training, education, and every other aspect of the child's life. Custody of the child is clear. Socially and emotionally, children may experience a greater sense of security when their parents are married, than when they are unmarried. These benefits that children can receive from their parents' marriage should be available to all citizens raising children.

The provision of the right to marry to ALL pairs of adults who wish to marry will not, in my opinion, harm the various views on marriage held by different religious groups in our state. Churches, temples, mosques, and other religious communities will continue to represent their varying doctrines and principles relating to marriage. Marriage ceremonies will continue to be carried out in accordance with these principles. What would change would be, that the right to civil marriage would be provided for any two adults who wish to marry.

Cathy Goldwater  
Hollis NH

STATEMENT BEFORE THE COMMISSION TO EXAMINE ALL ASPECTS  
OF SAME SEX CIVIL MARRIAGES AND ITS LEGAL EQUIVALENTS ---

By Rep. Peter H. Allen, Harrisville

Keene Public Library, July 25, 2005

Our system of government is founded upon the principle that we are all endowed with certain inalienable rights... including life, liberty, and the pursuit of happiness (Art. 2, Part 1 N. H. Constitution).

It is preposterous to claim that such a basic institution as marriage should not be available to loving couples of the same sex.

July 26,2005

Dear Representative Mooney,

I am writing in support of same – sex marriage. I have come to believe that people who oppose same – sex marriage either don't know or refuse to get to know any people who are gay, lesbian, bisexual or transgender. They are just people who should have the same rights as 'straight ' people. One's sexuality has nothing to do with one's character. Hopefully in another generation or two, it won't even be an issue.

'Marriage' is a word that has many different meanings attached to it. People love who they love, no one has the right to tell them not to love. The Roman Catholic church has a long way to go to get anywhere near what Jesus actually taught, which is love for all people, not just some people. Homosexuality is mentioned in the bible. Validating gay and lesbian people in no way harms straight people. I think the bottom line here is that this is a civil rights issue, it will eventually win out, so I believe New Hampshire should get on board now.

I am a business owner from Keene. I attend the Unitarian Universalist church in Keene, and I have studied religion and philosophy for years. In this struggle for the right to be able to marry the person of your choice, just as in the civil rights movement of the 60's, ignorance and fear have very loud voices. I hope you will listen to some of the calmer ones. We are speaking from love, not from fear, and I have to believe that love will win.

Sincerely,



Deborah McLay  
McLay's Market  
30 Park Ave.  
Keene, N.H. 03431

July 29, 2005

To: Rep. Maureen C. Mooney  
Room 208  
Legislative Office Building  
Concord 03301

Re: Same-sex unions. I was unable  
to attend the hearing in Keene but  
would like to lend my support.  
I believe that marriage is a  
basic civil right.

Sincerely,  
Ethelyn Pierce  
144 Castle St., #5  
Keene, NH 03431

Dear Member of the Commission,

My name is Silas Paul Archambault, and I am an 18 year old gay man who has lived in Newmarket, NH since I was born. When I first figured out I was gay, I thought my whole life was going to change. I thought I was going to start listening to show tunes, shop all the time, and learn how to throw together a killer outfit. I didn't necessarily want these things, but I assumed that they would just come to me. My attraction to men could not be helped, and that was being gay. I had also heard these other attributes were 'gay' as well, so I figured that one day the desire to cut hair would proliferate too.

They didn't. I can't dance, and I can't play an instrument to save my life. In fact, I fit the homosexual stereotype so poorly, it's almost comical. I'm not telling you this for the irony. In fact, that is not my intention at all. My point is, the only thing that is different about me is the fact that I am attracted to men. Other than my sexuality, I am the same person everyone thought I was. I still have the same dreams, aspirations, proclivities, and talents. Frankly, being gay has not altered my life at all.

Yet, it might. Or rather, the law might change my life. I have every intention of marrying, and having children, and raising a family. My parents can't wait for the day they have little grandchildren running around. My mother has already told me she will be the florist for my wedding. I intend to grow old with my husband, and have all our grandchildren visit for Christmas. I intend to live my life just as I had imagined it when I was little, except with a man instead of a woman.

The right to marry is crucial for me to live the life I want. Marriage is about love, and family. It is not about sexuality. It would not be fair to strip my children of their rights because of my sexuality. It would not be fair to strip my spouse of his rights because of my sexuality. It is not fair to strip me of my rights because of my sexuality. My sexuality has no bearing on my ability to parent nor does it affect my ability to be a good spouse. All my sexuality has bearing on is who I love.

The law must preserve my rights, rather than take them away. The law must allow me to pursue life, liberty, and happiness. The law must allow me to marry.

I am the winner of the Children's Alliance of New Hampshire award for an outstanding youth advocate for 2005. The Children's Alliance of New Hampshire is a statewide, nonprofit advocacy organization with over a decade of experience working on behalf of the health and well being of the children of this state.

(<http://www.childrennh.org/ourvision.php>) Winning this award proves my dedication to the idea of family. The law is what provides the sanction for family to exist.

The law helps strengthen both the institution of marriage and family. Please, support marriage, and support family.

Silas Paul Archambault

Brian Bowden  
PO Box 33  
Freedom, NH 03836  
[bsbowden@adlephia.net](mailto:bsbowden@adlephia.net)

I speak in support of equal rights for civil same sex marriage.

**DO NOT BE AFRAID.** I encourage this committee to take notice of those who speak out of fear. My experience is that those who speak against same sex marriage do this out of FEAR. Do Not Be Afraid, the sky is not falling.

Same Sex Couples are already in every town that I know of in New Hampshire. We are your teachers, school administrators, doctors, lawyers, professors, plumbers, electricians, carpenters, selectman, and road workers. We work and own hotels, bed and breakfasts, business, and restaurants. We are state employees, preachers, counselors, judges, legislators, parents, grandparents, uncles, brothers, sisters and yes-even one bishop. Thank GOD.

We are republicans, democrats and independents. We are already here and have been a productive member of our communities and citizens of the State of New Hampshire for longer than can be recorded.

The discussion at hand is not whether we should close our borders to homosexuals and expel those who are here. It is to whether all citizens of this great state are guaranteed equal rights and privileges. And the specific right we are discussing is civil marriage.

I ask that you support civil marriage for same sex couples to support children and families in New Hampshire. We all have something to gain from equal rights, but I want you to think for a moment about the children and young adults in our communities.

As a Counselor, there is not a year that goes by that one of my students does not come to me and say "I am gay". Each time I professionally consult with their parents and have yet to find one parent that celebrates this discovery. It is a long and painful emotional experience before parents and other family members accept their child, brother or sister. Parents biggest concern is that their gay child will have a very difficult life of isolation. And that can be true if you listen to the fear and do not support same sex civil marriage.

What messages do we give our young people? By saying NO to civil marriage you are telling those families that their child is a second-class citizen. Saying NO denies them the hope of a supported monogamous relationship. Saying NO supports promiscuous sexual encounters. Saying YES will support committed monogamous relationships and families.

My hope is that you will recommend equality for same sex civil marriages, so that when students come out to me, I can assure them (and their parents) that they can live a healthy normal life equal to that of their heterosexual counterparts. That they too have the opportunity to marry and have children in the State of New Hampshire.



Testimony – Commission to Study Same Sex Marriage  
31 May 2005

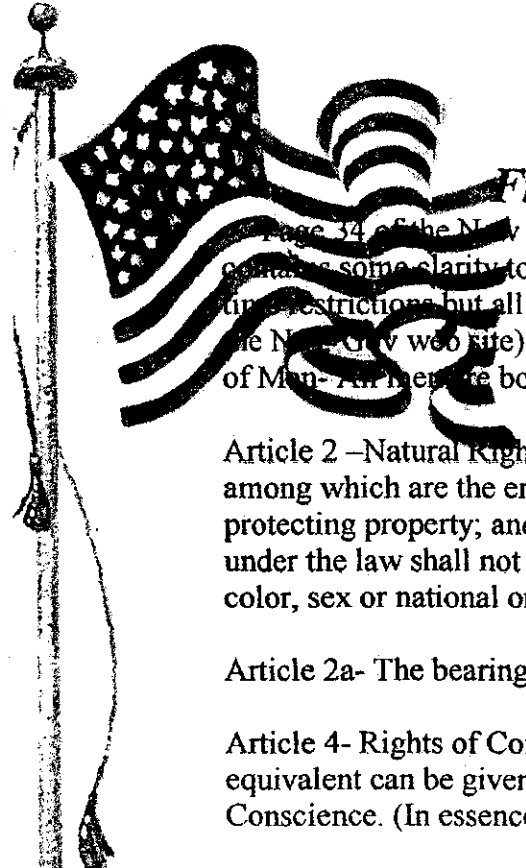
Ladies and Gentlemen, Good Evening.

My name is Craig Evans. I have been a resident of Brookfield, NH for thirteen years, where I vote and pay taxes. I am a trained psychotherapist, with a Massachusetts license as a clinical social worker, with additional training as a museum professional.

The “freedom to marry” belongs to all Americans, Marriage is one of our “vital personal rights” and the right to marry is “essential to the orderly pursuit of happiness by a free people.” (Loving vs. Virginia, 388 US1, 12. [1967]) The State of New Hampshire currently discriminates against same sex couples in their pursuit of happiness by restricting who can marry based on their sex and sexual orientation. Over the years that gay men and lesbians have struggled to achieve equality and freedom, they have been accused of seeking “special rights”. In reality, the state has produced special rights for another group – that is, opposite-sex marriage partners, while denying the existence of, and civil recognition of, committed and loving relationships among same-sex individuals.

Marriage is first a civil action. The states recognize the public commitment of two adults through the legal protections, benefits and responsibilities established by both the state, and the federal government. While the requirements for civil marriage are few in all states, in New Hampshire a distinct form of discrimination persists – the denial to same sex couples the benefit of the rights and responsibilities of civil marriage.

The confusion that has been propagated regarding marriage in the discussion of these rights must be sorted out. There is a distinct difference between civil marriage and religious marriage. Let’s not forget that marriage licenses are issued in this state by the civil authority. The choice of who performs the marriage is left to the individuals, and some individuals identified within religious traditions are granted the privilege of performing marriage ceremonies, and witnessing the act on behalf of the state (“...the power invested in me...”). The marriage license issued by the state, through its legal representative, conveys the legal rights and responsibilities – not the person who performs the ceremony. Civil marriage is between two people who meet the state’s requirement for marriage. While religious marriage might be denied two individuals due to tenets of faith associated with the representative consecrating the marriage, civil performers of the marriage rite, like justices of the peace, are not able to deny marriage to individuals with a legal marriage certificate issued by the state. It is the responsibility of the state to support the principle of separation of church and state, and to keep that distinction clear in its discussions and decisions. Civil and religious marriages co-exist, although sometimes they have different rules. Just as no court decision or legislative act can change the basic tenets of a religious faith concerning marriage, the beliefs of any religious group must not promulgate civil law.



## Freedom To Marry

31 May 2005

Page 34 of the New Hampshire Constitution, in the 2003-2004 election law version, contains some clarity to these issues that bring us here tonight. -( I shall paraphrase due to time restrictions but all have the freedom to view these in their entirety on line through the New Hampshire website) The New Hampshire Constitution, Part First, Article 1- Equality of Man- All men are born equally free and independent...

Article 2 -Natural Rights- All men have certain natural, essential and inherent rights- among which are the enjoying and defending life and liberty; acquiring, possessing and protecting property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin.

Article 2a- The bearing of arms. (This freedom shall not be infringed and I'm all for that.)

Article 4- Rights of Conscience- ... some rights are by nature unalienable, because no equivalent can be given or received for them. Among this kind are the Rights of Conscience. (In essence you can't control a person's conscience.)

The United States Constitution contains certain Freedoms and Rights as well. Under the First Amendment we find there are no less than 5 unalienable rights.

\*Congress shall make no law with respect to religion- We are free to choose the religion of our choice or not to worship. (Some here choose to exercise this right, others not)

\*Freedom of speech, some here may or may not wish to exercise this right tonight.

\*Freedom of the press. Some here will choose to exercise this right and pen a letter to the editor.

\*Freedom to assemble. All here are exercising this right now.

\*Freedom to petition government for a redress of grievances. We may all be exercising this right as well.

\*Freedom to vote, marry, seek the privilege of driving a vehicle, or even pay taxes are all discussed in different areas and amendments of these documents.

We may choose to exercise any or all of the rights provided us in these and other legal documents or we may wish to just keep them in mind. My partner and I have chosen to marry each other and exercise our Freedom to marry because we, as all in this room now, were born equal and free under the laws of this state and country. We were not discriminated against for choosing to exercise our freedom to marry. My partner and I choose not to procreate and or adopt children. We are not discriminated from making this decision and enacting this freedom. Some choose not to vote while others choose to cast their ballots. Neither decision to undertake this freedom is marked with discrimination. Discrimination is not, and should not be allowed anywhere. Discrimination should not be written into any of our Constitutions or legal documents. Freedom to marry whomever we choose is not only legal, it is right. Thank you for this opportunity for allowing me to exercise my freedom of speech and for your exercising your freedom to listen.

*Wm J. Cowie*  
Wm J. Cowie  
Stk  
636-6085

**Jean Diamond**

---

**From:** "Laura Diamond" <lddpta@comcast.net>  
**To:** "mom" <keenjean@webryders.net>  
**Sent:** Monday, July 18, 2005 11:15 PM  
**Attach:** Wedding letter Mass Equality.doc  
**Subject:** the letter for the legislators

This was sent to Mass Equality for a book to be published and given to the legislators with about 10 pics. 200 copies will be made and distributed with people's stories.

May 29, 2005

Laura Diamond and Carolyn McDonald

Our Story....

We have known each other for almost 30 years. In February of 2005 we celebrated our 20<sup>th</sup> anniversary and thought it was incredible that we could also get married, finally! For 8 months we planned our wedding, something we never thought we would be able to do. We married in our home in Stow, MA, in a beautiful setting with friends and family gathered to honor our relationship.

The wedding was so wonderful; it far exceeded our expectations, way beyond our wildest dreams. We think about the wedding and that weekend everyday. We never imagined that it would be as special as it was. It was one of the best days of our lives. It was everything we wanted. It was incredible that so many friends and family joined us in our celebration, that they were there for us on that day. It felt that we were totally loved and honored. The wedding was formal but casual, elegant and simple, serious and fun. It was the best of the best. Perfect.

Laura's mother walked us down "the aisle". When we announced our intent to marry, she told us that we could have her diamond and Carolyn wears Laura's mother's diamond today. One of our friends, Alix, was our Justice of the Peace, friends sang and played guitars,

Carolyn's sister and another friend read.

We are so incredibly lucky and blessed to have each other in our lives and to have the friends and family who support and love us. It was important to have a legal marriage that recognizes our love and commitment to one another. We have faced and endured many challenges of health, life and death, home buying (twice), major job changes, graduate school and we have been there for one another. We will always be there for one another and so it seems natural to be able to make that public and private commitment of marriage.

As the state of MA gets ready for a fierce battle in the legislature about the future of Gay Marriage, we hope that the legislators will listen to our story and those of others. Civil marriage is not about religion. It is about recognizing civil rights and equality as promised by both our state and federal constitution. We hope that all people get to experience what we have experienced in being able to marry, and be recognized for loving, long term relationships.

Me

July 29, 2005

Jeanne B. Eaton

Mrs. Harry F. Eaton Jr.  
254 General Miller Rd  
Peterborough, NH 03458-1206

Dear Rep. Mooney,

According to the Keene Sentinel  
(July 26, 2005), I can address  
my concerns about same-sex  
civil marriage to you.

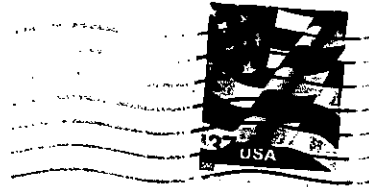
I believe that gay couples  
should have all the legal rights  
that straight couples have. I  
believe performing a religious  
marriage should be up to the  
individual church.

I would like to point out  
that during my lifetime (I am  
79.) it was illegal for a white  
person to marry a black person.  
When we adopted our Chinese  
daughter in 1962, it was  
illegal for white couples to  
adopt black children and

it was illegal below the  
Mason-Dixon line for white  
couples to adopt Oriental  
children. We change and then  
we change the law. Think  
of slavery; think of women's  
right to vote, to own property.  
I rest my case.

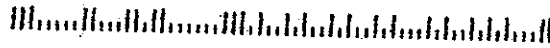
For the record: I am a  
straight woman who was  
married for thirty eight years  
to a man to whom I would  
still be married had he not  
died of cancer.

Sincerely,  
Jeanne B. Eaton



Rep. Maureen C. Mooney  
Room 208  
Legislative Office Bldg,  
Concord  
NH 03301

5555/1001



to tan below the  
We adapt line for  
my, we change  
the law, and then  
think of women's  
to own property.  
I am a  
woman  
with grass  
pines  
to

AZ  
7/25/05

Leroy  
"Lee Marcroft  
54 Apple Way  
Weare, New Hampshire 03281 USA  
Tel 603-529-2863  
E mail LMARC122@EARTHLINK.NET

"I am a US Citizen, 67 years of age. My wife and I live in Weare, New Hampshire. I am a New Hampshire voter. My wife and I are straight and we have been married for 41 years. We have two daughters, both Citizens of the USA of whom we are very proud. They are 37 and 40 years of age. One of them is gay. One of them is married to a very loving Man. We ask that our gay Daughter be given the right to marry whom ever she wishes with all the state and federal rights and obligations this entails. We feel that this should be her right as an American Citizen. Don't you agree?"



## **Testimony Before Commission on Same Sex Civil Unions**

I'm Frank Murphy. I live at 119 Greenwood Avenue in Keene. I'd like to testify on behalf of allowing Same Sex Civil Unions in NH. My reason is because, at 64, I grew up in a far less tolerant time and community. Gays were not hated but they were looked down upon. Verbal slurs were common and nobody, including myself, rushed to protest them as unfair. Gays were considered fair game because they were different. In those days, ridiculing people that were different caused needless friction. Friction not only between heterosexuals and homosexuals but between ethnic groups, races, and genders.

As the years went by I've know gay people who were friends, co-workers, employers and public figures. Like most people, straight or gay, who were not part of my private life, their sexuality had little impact on me. I benefited from what some of them had to offer as human beings both to myself and society. In my view America's a better place for having moved away from the poorly informed prejudices of my youth.

A friend who tended his partner through the terminal stages of AIDS, despite his own fear and sorrow, won my profound respect. That kind of commitment I believe is a good thing. That it doesn't spring from heterosexuality does not diminish its worth. To me the issue of civil unions is about dignifying and facilitating that type of commitment through legal recognition.

The criticism is made that civil unions and gay marriage will adversely impact traditional marriage and the family. Anybody who believes heterosexuality is the guarantee of a successful marriage, has not been paying attention to recent divorce rates. In marital break-ups, financial difficulties are mentioned very frequently as the cause of fatal marital friction. I've never heard any couple claim that they got divorced because the gay couple next door made them feel marriage was not worth it.

I would agree that the divorce rate indicates we should be concerned about reinforcing marriage. What I see reinforcing marriage are successful marriages that inspire young people to get married. If the state wants to reinforce marriage, I believe policies that offer financial security, family-leave time, and marriage counseling to young couples would be much more beneficial than preventing civil unions. I think the gay community proclaiming the worth of marital commitment is not harmful to marriage but instead

Former Prof of Church History Andrew Nestor  
Theological School

My name is the Rev. Eleanor McLaughlin, Rector of St. Barnabas Episcopal Church in Berlin. I come before you to testify to the importance of an acknowledgment in the civil law of marriage between couples of the <sup>same</sup> sex, urging this action on the part of the State from a perspective of the Christian faith, in the Anglican tradition...grounding my arguments therefore on a reading of Scripture, the Tradition, and reasoned experience.

History and tradition first, because we are creatures imbedded in history, the one agreed upon characteristic of which is the inevitability of *change* in all things created. Human culture within the realm of historical record, reaching back several millennia witnesses to a wide variety of family arrangements. Even within the record of Hebrew Scripture and the two thousand years of Christian cultures, we find polygamy (Solomon's 900 wives), leverite marriage whereby a widow was forced to marry her husband's brother (recall the question put to Jesus about the woman who had married a whole raft of brothers...whose property would she be in heaven?). The Lord's reply, that in the next life there is no marrying nor giving in marriage reminds us that at least in the Gospel tradition, marriage is seen as a very human, limited, not in the least *sacral* arrangement. The Early Church, following upon St. Paul's dim view of marriage (better marry than burn) exalted the virginal state for men and women. Many Christian women chose martyrdom in the arena rather than enter into the forced property arrangements of their unconverted fathers (see *the Acts of Paul and Thecla*) and Jesus words re divorce were immediately modified in the case of a Christian married to a pagan...leave him!

Marriage did not become a Sacrament until those ritual acts were defined in the 13<sup>th</sup> c. as the seven sacraments known today to the churches of a Catholic tradition. Just barely left out of the list was the Consecration of a King or Queen, reminding us just how historically determined by particular human socially organized power arrangements were the church's preeminent ritual acts. Marriage remained into the 19<sup>th</sup> c. a kind of ecclesial 'bastard', for it involved those dangerous characters, women, sex, power of land and money. Hence, the church still teaches that the "ministers" of the Sacrament are the couple making the vows, which they can as well <sup>take place</sup> complete in the Town Hall...or not at all, as in "common law marriage"...the priest present simply calls upon God to bless them. The blessing of marriage shares therefore with the blessing of the hounds and the fields...call upon the church to beseech God to make fruitful our human enterprises...hunting, plowing, making of a family unit.

In the Tradition, as for instance witness to in Thomas Aquinas' *Summa Theologica*, the goods of marriage, mutual affection, prevention of sin, nurturing of the social unit, and, if it be God's will, the procreation of children to raise in the faith of the Church...have never come down strongly on the last 'good' in part because of the bias of Christianity towards the establishment of Godly *relationships*...friendship with God, with each other, and with all human beings, made in God's image, as well as friendship with the Earth, her fruits and animals. The Church has always been very awkward about sex, indeed, sex negative, and has never defined marriage primarily in terms of procreation. It is only very recently, with the Protestant attack on the primacy of a life of celibacy, friendship with God and within a community of virginal men or women, that the focus of the family has become so highly gendered, sexualized, and, I would say also, arranged to insure male power in the home and in society.

Those who know of the work of John Boswell will recall in *Christianity, Social Tolerance and Homosexuality*, Univ. of Chicago, 1980 that throughout the Christian

middle ages there is a distinct tradition of church sanctioned ritual commitment ceremonies for men which reflect the preeminent importance given by the Church to faithful friendship as the foundation of human sociality.

My comments upon *Scripture*, and as a Christian, in particular upon the books of the New Covenant may be briefer. Jesus, who came preaching the in-breaking of the Kingdom of God was not much interested in the human family as constituted by Jewish or Roman marriage customs, which were after all, all about property, not a Christian value. In no way can one claim that late modern marriage as we know it in the USA as idealizing white bourgeois structures for social control and the inheritance of property is in any way a divine institution. The first three chapters of the book of *Genesis* give no textual support to the naïve supposition that God, Creator, established a particular form of human social arrangement which we have erroneously universalized as if Marriage as we know it in this time, this social class has any divine mandate. Think for example of the story of Lot...who let his wife be turned to stone and then offered his daughters for the pleasure of the unknown strangers at the door, understandable from the middle eastern priority of radical hospitality, but certainly not reflecting 'family values'.

Rather, the Gospel, the good news of Jesus Christ for believers is that the God who has created us, loves us...and God saw that it was good...That the tendency to sin, that is distance from the Creator, the source of goodness, from our best selves and from our neighbors, is, in the final overcome by Love...for this the Son of God died...And these three virtues preside, faith, hope and love, but the greatest of these is love. Relationship is the key ...with God, self and the stranger in the gate. Not property...God's preference is for the poor, the vulnerable, the excluded...see throughout the ministry of Jesus, who gets cared for and who refuses ...the young rich man goes away, sorrowing, but the Samaritan woman, the leper, the prostitute, the barren woman, the thief on the cross, the Centurion, pagan, Roman who had just run through Christ's bleeding Heart, is the one chosen to first acknowledge, my Lord and my God. No where does Jesus pay much attention to peoples' sexual attractions...it is their *idolatries* which are judged...of the family, the state, private property, and religion itself...the words of Jesus continually put *hypocrites* at serious risk.

*Reasoned experience* is the third leg of the Anglican "three legged stool" upon which we sit when we talk about God or God's world with the words of faith. I will not bore you speaking of any other *experiences*, reflected upon rationally, except my own, upon which I am indeed an authority. I was married to a man, a good man, for 20 years and bore two splendid girls, now women, each serving the community, one as an elementary school teacher of latino children in LA; the other as a mental health care-taker and provider in a facility for the criminally insane in Portland OR...both are committed Christians, Episcopalians, in church every Sunday. And I have more recently, been from God's perspective I hope, married to a woman, a good woman for sixteen years. The primary difference between these two eras of my life are not about sex, or sexual orientation or attraction, but about *relationships*. In the first twenty years, the call ...and that is a holy call, to relationship, was worked on at best from one side only, while the 'man of the house' felt obligated by the ways society constructs masculinity to focus on work, leaving the affections and relationship building to the woman. In the second 16 years, there is for both of us, the primacy of our relationship with God, the building up of each other's best self, and the deepening love and friendship with my best beloved, Betsy

in a relationship wholly equilibrated, wholly entered into with equal energy, work and commitment, a relationship, which in my post-menopausal; years, has born fruit as splendid as my two children...precious though they are to both of us. This relationship, free of gendered competition, is enabled by love to serve the wider community. In tune with Scripture and Church Tradition, the family is outwardly oriented, bound by threads of responsibility and sharing to the world outside the "nuclear family unit" open to relationship with neighbor and stranger...Betsy the Clinical Psychologist and Ellie the Priest...each of us overlapping in our ministries in Berlin...ministries which are empowered and enabled by God working in and through our ever deepening relationship of love, faithfulness, mutuality. Thus grounded, we can look beyond the "little Commonwealth" of the family unit to those around us, whom we serve with joy. That is what Jesus in the NT showed us...for example Mary and Martha hadn't quite gotten it...this mutuality...if Mary, sitting at Jesus' feet to learn of love, had been Betsy, she would have yelled into the kitchen, come here Ellie, let the supper go, here is somebody worth listening to and I don't want you to miss a word. Then Martha would have called out for Pizza and set herself with her sister, spouse, friend, co-worker, whatever at the Lord's feet... and who knows, maybe he would have done a Miracle, as he did at the wedding at Cana and made the supper for everybody as so many bachelor males are so good at doing!

My name is Byron Sutherland and my partner and I live in Brookline. Today marks the second time I've testified in support of gay marriage in the state of New Hampshire. While I'm cautiously optimistic that intelligent, compassionate, and just members of the committee will seek to do the right thing and stop discriminating the GLBT community, I know many of you are influenced by your religious views and will continue to use the Bible and your church to deny our rights to marry.

Look at me and look at you. I am biracial of American Caucasian and Malaysian Chinese descent. I've spent all my life dealing with and fighting discrimination on many levels. Preventing my partner and me from getting married is discrimination pure and simple. Unless you are a minority like me, you have absolutely no idea what it is like to live in an oppressive country where rules are primarily made by heterosexual, middle-aged white Protestant men.

As a flight attendant for a major airline, I'm expected to be the first in the line of defense when attacked by terrorists, but you reward me and my fellow gay flight attendants, including the ones who died on 9/11 with blatant discrimination. If I'm stabbed in the cabin and perish in the line of duty, my partner cannot claim nor bury my body because you see us as second class citizens, devoid of marital rights of any kind. As it is, myself and several other minority flight attendants have to sequester ourselves whenever we fly into and stay at hotels in conservative red states because we have absolutely no protection whatsoever should we perish while away from our spouses. Even though my partner and I keep hoping that you can uphold your state motto of Live Free or Die, it is apparent from your overall stance that as far as the GLBT community is concerned, we live in discrimination while our heterosexual married neighbors can enjoy the 300 rights that come with marriage.

Good evening Commissioners. Thank you for coming to Keene.

My name is Robert Schultz. I am on the Steering Committee for the Monadnock Men's Resource Center located here in Keene. The Monadnock Men's Resource Center is committed to providing all men with a safe space for growth, sharing, connection and community building with other men. We are committed to challenging and promoting an understanding of interpersonal and institutional violence, sexism, homophobia, racism, and other forms of oppression.

I am accompanied here this evening by ~~two~~<sup>two</sup> other Steering Committee members, ~~Damien Licata and~~ McKim Mitchell.

The Monadnock Men's Resource Center supports marriage equality. We believe that the State of NH should no longer deny gay and lesbian couples the right to marry.

Lesbian and gay Americans are Americans who pay taxes and protect our communities as fire fighters, police officers, and by serving in the military. They desire and ought to receive the same rights and protections as other Americans. And these rights and protections must extend to the children in gay and lesbian families.

Denying lesbian and gay couples the right to marry takes away legal rights in pensions, health insurance, hospital visitations, and inheritance that other long-term committed couples enjoy. We should end this discrimination.

We believe that loving and committed parents should raise children. Gay and lesbian couples offer this to many children.

As men of the Monadnock Men's Resource Center we are not threatened by lesbian and gay couples having the right to marry and we do not feel that it detracts in any way from heterosexual couples having the right to marry.

We believe we should not limit human potential as it pertains to gender. As a men's organization we continue to speak out against the limited value of traditional gender roles. We feel that these limited gender roles are a part of the opposition to the marriage of gay and lesbian couples.

Forty years ago couples of different races were forbidden to marry in many states. In 1967 the Supreme Court ruled that this violated the rights of many Americans. We understand that exercising power and control over others is imbedded in our society. We believe it is wrong to exercise this power and control in the prevention of equal rights for lesbian and gay people.

We should join now with countries like The Netherlands, Belgium, Spain, and Canada that have already recognized gay and lesbian marriages.

Thank you.

**Cianci, James**

---

**From:** Mooney, Maureen  
**Sent:** Tuesday, October 04, 2005 9:36 AM  
**To:** Cianci, James  
**Cc:** Russell@represcott.com; J.Fredyma@comcast.net; repbuckley@aol.com; bdupee@dhhs.state.nh.us; Fuller Clark, Martha; Gallus, John; MacKay, James; Gatsas, Theodore; Barnes, Jack; edofthenotch@aol.com; tsoltani@soltanilaw.com; Mooney, Maureen; Odell, Bob; Cianci, James; s.earnshaw@comcast.net; Vaillancourt, Steve; bud.fitch@doj.nh.gov; MaureenCM@aol.com; paulbrassard@juno.com  
**Subject:** FW: Marriage Equality

Jim - Please add to SB 427 file. THANKS!

---

**From:** Allyson Whitney [mailto:jadeddiva@verizon.net]  
**Sent:** Mon 10/3/2005 11:37 PM  
**To:** Mooney, Maureen  
**Subject:** Marriage Equality

Dear Representative Maureen Mooney;

I am not quite sure where any of you stand regarding marriage equality or same-sex marriage. The NH for Freedom to Marry Coalition invited us, as residents of NH, to drop you a line to let you know why this is so important. Perhaps it might help you to understand my position. I will attempt to offer unbiased opinions, so please forgive me if I sound antagonistic.

I know you must be in a difficult position, ushering in change on such a controversial issue. Choices such as these are never easy, yet America has always clung to the premise that all "men are created equal." Another privilege America bestows on its people is liberty. To ensure that each citizen of America receives these benefits, we have the Constitution, which is a living document. That being said, I can't understand why two people of the same sex can not solidify their relationship with marriage, granting the same privileges, benefits and protections as two people of the opposite sex.

Some people put forth the notion that homosexuality is a disease that needs to be cured or that homosexuality is a behavior disorder and can or even should be corrected. If homosexuality actually were a disease, then wouldn't every gay person have a certain chemistry in their brains? Since this is not the case, we can rule out that fallacy. If homosexuality were a behavior disorder, I ask, "Why should we have to change it?" It neither hurts nor victimizes anyone; nor is it a danger to anyone or to oneself. The truth is that homosexuality is not a deviant behavior, and whether it is "nature or nurture," it doesn't need to be changed.

The effect on children is another popular issue that blocks the legalization of marriage equality. Homosexual couples have been raising their children long before anyone even thought marriage equality was possible. Some of these children grew up to be contributing, honest and good people. There is

10/04/2005

no proof that a homosexual relationship will have negative effects on a child. In fact, making marriage equal may actually help these children. No longer will they be without married parents. No longer will the child feel that he/she has to hide her parents from society. If anything, denying the right to marry for same-sex couples will do more harm than good. The child could grow up thinking his/her parents are doing something wrong.

There are several arguments that I hope you are dismissing. Any religious position against homosexuality cannot be upheld according to the constitution of the United States of America (Separation of church and state). The "Slippery Slope" argument suggests that homosexuality is a deviant behavior by comparing gay people to pedophiles, bestials or any other form of sexuality where one victimizes another. If you look into the legislation of Massachusetts, you will see that marriage equality has been in affect for a year, and there are no declines in society as a direct result of it. There are some who would call homosexuality immoral, yet allowing people to get married promotes fidelity and solidarity rather than an excuse for promiscuity.

When two people wish to get married, it should not be denied based on gender. That is blatant segregation (defined in Merriam-Webster's dictionary as the separation or isolation of a race, class, or ethnic group). I and my fellow citizens are being denied the basic right to life, liberty and the pursuit of happiness because of our preferences, choices and lifestyle. As my representative, I ask you to please do your best to see that this injustice is stopped.

Thank you for your time.

It is not our abilities which make us who we are; it is our choices.  
Allyson Whitney from Milford, NH



The New Hampshire Legislative Commission  
On Same-Sex Civil Marriage

8/15/05

Dear members of the commission,

I am sure you have heard from religious fundamentalists who oppose same-sex marriage on what they like to call moral grounds. I am also sure they want you to believe that there is exactly one religious response to the questions before you. I hope you will recognize that those who favor same sex marriage are speaking from equally valid moral and religious conviction. My own Unitarian / Universalist tradition, for example, teaches me to respect the inherent worth and dignity of every person. I encourage you to honor this ideal by making the marriage laws respect every person's worth, regardless of sexual orientation.

I am a Unitarian, and I am also a New Hampshire native. Our state has a tradition of respect for individual freedom, the right for adults to decide for themselves how to live and whom to love without undue interference from the government.

I urge the commission to continue this New Hampshire tradition -- this American tradition-- of individual liberty in its decisions.

Sincerely,

A handwritten signature in cursive script that reads "Jon Kelly".

Jon Kelly  
21 Washington Street  
Penacook, NH 03303

Subj: **same-sex marriage statment**  
 Date: 8/11/2005 11:37:27 AM Eastern Standard Time  
 From: uu@mcttelecom.com (UU Church Concord)  
 To: Wayne.Frey@fmr.com ('Frey, Wayne'), WayneFrey@aol.com

I am speaking as a representative of the Prudential Committee which is the governing board of the Second Congregational Society, Unitarian-Universalist Church of Concord, NH. As a Welcoming Congregation ~~within~~ ~~the~~ we are proud to stand in support of same-sex marriage. We strive to live our principles which include affirming and promoting the inherent worth and dignity of every person as well as justice, equity and compassion in human relations. It is because of these principles that we feel compelled to be here tonight. Legalizing same sex marriage is a way that we can extend a fundamental civil right. We urge the NH Legislature to move forward in drafting and passing legislation that would give gay couples the opportunity and the legal right to marry within the State of New Hampshire.

427

Church Office, Unitarian Universalist Church

274 Pleasant Street, Concord, NH 03301

Find us on the web: [www.concorduu.org](http://www.concorduu.org)

----- Headers -----

Return-Path: <uu@mcttelecom.com>  
 Received: from rly-yd06.mx.aol.com (rly-yd06.mail.aol.com [172.18.141.70]) by air-yd03.mail.aol.com (v107.10) with ESMTTP id MAILINYD31-77f42fb70a91d5; Thu, 11 Aug 2005 11:37:27 -0400  
 Received: from outbound4.mail.tds.net (outbound4.mail.tds.net [216.170.230.94]) by rly-yd06.mx.aol.com (v107.10) with ESMTTP id MAILRELAYINYD69-77f42fb70a91d5; Thu, 11 Aug 2005 11:37:13 -0400  
 Received: from Dell02 (cntcnhnas01-pool0-a47.cntcnh.tds.net [64.35.203.47]) by outbound4.mail.tds.net (8.13.4/8.12.2) with ESMTTP id j7BFaldi015041; Thu, 11 Aug 2005 10:36:53 -0500 (CDT)  
 From: "UU Church Concord" <uu@mcttelecom.com>  
 To: "Frey, Wayne" <Wayne.Frey@fmr.com>, <WayneFrey@aol.com>  
 Subject: same-sex marriage statment  
 Date: Thu, 11 Aug 2005 11:36:51 -0400  
 Message-ID: <000801c59e8a\$82f4bd80\$0100a8c0@Dell02>  
 MIME-Version: 1.0  
 Content-Type: multipart/alternative;  
 boundary="====\_NextPart\_000\_0009\_01C59E68.FBE31D80"  
 X-Priority: 3 (Normal)  
 X-MSMail-Priority: Normal  
 X-Mailer: Microsoft Outlook, Build 10.0.2627  
 X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2800.1441  
 Importance: Normal  
 X-AOL-IP: 216.170.230.94  
 X-AOL-SCOLL-SCORE: 0:2:515440616:15032385  
 X-AOL-SCOLL-URL\_COUNT: 0

*Despite the promise of our Dear Fatherland, our nation has denied rights to whole classes of individuals, among them Af Americans and women. Over time Americans work for*

*allow all citizens the freedom and right to marry the person of their choice*

My name is Jennifer Major and my girlfriend Kelley and I live in a home I own in Gilmanton. I pay taxes and work full-time. I also own my own part time traveling pet sitting business, and we're very active in our community and church; volunteering our time and talents to various causes that are important to us.

Kelley and I are faced with blatant discrimination daily; all because we're not allowed to have a civil marriage.

We have been through more together in our few short years than many couples experience in a lifetime. One of the most difficult was Kelley's sudden paralysis from what we now know to be Guillain-Barre syndrome; which is much like M.S., followed by her subsequent back surgery in April of 2004. I sat for 14 hours in a hospital waiting room, only to be ignored by hospital staff who were supposed to bring me to her when she awoke from surgery. She awoke scared and alone. Despite the fact we had just submitted notarized living wills and durable power of attorney forms on each other at that same hospital just prior to her surgery, we were not given the dignity and respect many couples take for granted.

I want to marry my soul mate so that we can live and thrive just like any other couple. Currently, I'm fighting with my mortgage company who is not allowing Kelley's name to be added to my mortgage. There is no requirement of relation to own property or a home together: grown adult siblings can own together, cousins, etc.

But when I notified MY mortgage company and told them that I wanted to add my girlfriend Kelley Morris to my mortgage, they flatly said no. I asked why and they said that I needed to have a 'life event' in order to qualify to add someone to my mortgage. What's a life event? Marriage, divorce, birth or death, of course. So because Kelley and I CAN'T have a civil marriage, we are forced to re-finance and pay closing costs all over again just to add her name. This is discrimination because no other couples have to pay this extra expense.

We'd like to fix our house up and make some much needed updates, but until her name can get added thus doubling our household income on paper; we won't be able to do that. There are so many rights and protections that are not afforded to us. Kelley and I don't want special rights. We just want the same EQUAL RIGHTS that are given to all other committed, loving couples. We are contributing members of society and should not be treated as 2<sup>nd</sup> class citizens.

Respectfully submitted,

Jennifer Major (& Kelley Morris)  
28 Malecite Lane  
Gilmanton NH 03237

pro same sex marriage

175 Quincy Road  
Longview Farm  
Plymouth, New Hampshire 03264

Study Committee  
SB 427  
New Hampshire General Court  
State House  
Concord, New Hampshire 03301

Dear Chairman Soltani and Members of the Study Committee:

I am Carol S. Perkins; wife, mother, grandmother, former Girl Scout Leader, Farmers' Market Organizer and Chairperson, Leader of PFLAG Plymouth and Co-President of PFLAG NH, a committed member of my church and regular attendee of your Commission meetings at the NH Statehouse. I live with my husband of 40 years on a dairy/produce farm in Plymouth, NH.

I do not need to remind any of you that your position on this Study Committee is most important. Your charge "TO STUDY ALL ASPECTS OF SAME SEX CIVIL MARRIAGE AND THE LEGAL EQUIVALENTS THEREOF, WHETHER REFERRED TO AS CIVIL UNIONS, DOMESTIC PARTNERSHIPS, OR OTHERWISE" can have an effect on the lives of families; parents, grandparents, children, brothers and sisters, etc.

I have copies of my testimony and I would like to share a copy of a collection of clippings from the Sunday New York Times and Boston Globe which I have been collecting. Perhaps as a result of your studies, you have learned that one in ten people are gay, lesbian, bisexual or transgender. The happy couple in the middle who are straight are the one in ten in this collection of pictures. When a gay couple is listed in the newspaper, they are the one in ten. They are outnumbered in many ways. Hopefully, this reverse illustration will be helpful.

I have also brought several children's books which you discussed briefly at your meeting last Friday. The *Who's in a Family?* book written by Robert Skutch was discussed. I also have *ABC: A Family Alphabet Book* written by Bobbie Combs. Either of these books are read by our grandchildren. Some day their Uncle may have a partner and children which means it is important to me that they see the many types of families in a community. They will also meet new friends at school who have two mothers or two fathers. I hope they will see that though families are different; they are the same, when they are based on loving care and shared responsibility by loving parents.

I will be happy to pass these to you for this meeting so that you can see that they are not really very controversial.

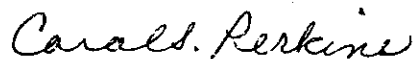
I ask that you study the laws governing marriage and the hundreds of rights denied same-sex couples who can not be legally married in New Hampshire today. The wonderful articulate, loving, talented couple from Lyme who spoke to you on Friday were an example of the people who are hurt every day when they are denied marriage rights. Their beautiful daughter, Eleanor, is blessed to have such loving parents but she is denied rights that other children enjoy and at 5 months of age she hasn't a clue. She only knows that her two mothers adore her and work to create a safe, happy home where she will grow and learn about the world. Being denied rights has a definite effect on children as well as their parents. Of course, not all gay or lesbian folk are interested in marriage or a committed relationship with another person, just as many straight folk are living a single life, but for those persons who want marriage there is no alternative with equal civil rights to full civil marriage.

Please listen carefully to the many stories which are being shared with you on the Commission. It is difficult for many people to share their individual story but stories are a keystone of our community. We, as PFLAG\* members feel our stories are very powerful. Last year we participated in 57 speaking events, including educational presentations and representing NH PFLAG in the Boston Pride Parade. We have interacted with over 7,100 people; passed out over 8,200 brochures and materials; spent 258.5 hours of events; drove over 7,900 miles to and from events. Our Safe School Program has provided about 350 books for various educational staff people in NH. Safe Schools are most important. Example: the grade point average for LGBT students who cannot identify any supportive faculty or staff is 2.8. The grade point average for LGBT students who CAN identify a supportive staff person is 3.1.

Children and Families are what PFLAG is all about. We support our LGBT family. It would be wise of the government of New Hampshire to recognize all loving, committed Same sex relationships with the rights and responsibilities of marriage. If everyone had a Civil Marriage, the problem would be solved. Churches and religious institutions could have a separate ceremony celebrating the union of a couple according to their doctrine and rules. Same Sex Civil Marriage will not hurt my 40 year marriage, in fact, it will even strengthen it.

Thank you for your consideration.

Sincerely,



Carol S. Perkins

\* PFLAG - Parents, Families and Friends of Lesbians and Gays/the largest non-profit, grassroots national organization dedicated to the GLBT community and their families



Wendy Lynn Kosanovich and Hilary Elizabeth Ware, law associates in the San Francisco Bay area, affirmed their partnership yesterday at the First Unitarian Universalist Church in San Francisco. The Rev.



Jason Scott Kent and James Robert Pomeranz affirmed their partnership last evening at the Lighthouse at Chelsea Piers in New York. Rabbi Marcelo R. Bronstein led the commitment ceremony.



Froda Leinwand

Joyce Sheila Gold and Leslie Gail McKenzie were married in Toronto on Tuesday. Micaél Welland, who is authorized by the province of Ontario to perform civil wedding ceremonies, officiated at Toronto City Hall.



Norman P. Goulet and Rolf A. Fuessler were married yesterday at Emmanuel Church in Boston. The Rev. David Bellville, an Anglican priest, performed the ceremony.



Jan Press Photomedia

Stephanie Jill Press, a daughter of Carol and J. Jeffrey Press of Harding Township, N.J., is to be married this evening to Joshua Matthew Lurie, the son of Linda and Donald Lurie of White Plains. Rabbi Norman R. Patz is to officiate at Tappan Hill in Tarrytown, N.Y.



Ben Gardner

Ingrid Theresa Katz and Alexi Anne Wright affirmed their partnership yesterday on Mount Tamalpais near San Francisco. Dr. Susan J. Fisher, a developmental biologist who is a friend of the couple, led the commitment ceremony.

The couple are about to receive medical degrees, Ms. Katz on Friday from the University of California at San Francisco and Mr. Wright next Sunday from the



Chris Myrl Abbuhl and Jeffrey Charles Allen were married last evening in Provincetown, Mass. Rachel E. Peters, a justice of the peace, performed the ceremony in a house rented for the occasion.



Julie Goldman and Nikola Marielle Beaumonde Smith were married last evening at the Harrington Farm, a farm and restaurant in Princeton, Mass. Can-



David L. Gray  
Steven H. Shuman

Southard Lippincott  
David Lilly

David L. Gray (left) and Steven H. Shuman were married at the Ritz-Carlton hotel in Boston. Gray

Southard Lippincott (left) and David Lilly were married in the garden of the Episcopal Church

My name is Dr. Elizabeth Hess. I have been a Clinical Psychologist for the past twenty five years, the last four working in Berlin. As you may already know, psychological research over the past 40 years has found that homosexual persons are no more or less likely to be mentally healthy than heterosexuals. In addition, gays and lesbians are able to maintain long term, committed relationships, just as heterosexuals do.

In my profession, I often give IQ tests. One of the questions assessing the ability to think logically is "Why does the state require a license before getting married?" Bright people answer that it provides a legal contract that can be recorded publicly and referred to as needed. It is a matter of civil law. I have never had a person respond in any way that connects this process with religion. They automatically understand the separation of religious beliefs and secular government.

This separation of church and state is a cherished right instituted at the birth of our country. We each have freedom of religion—some worship on Saturday, some on Sunday, some not at all. Some believe it is immoral to drink coffee, or to drink, or to play the lottery. We each believe in our own ways. And yet we can live peacefully with one another.

Homosexuals are simply asking for the same access to civil marriage as heterosexuals. These partnerships have not been shown to cause harm to anyone. To refuse this access purely due to certain groups' religious beliefs is to betray our own constitution. Abandoning our Constitution represents a real danger. Acknowledging loving human relationships does not.

Elizabeth P. Hess, Ph.D.  
856 Western Ave.  
Berlin, NH 03570

Good evening ladies and gentlemen,  
My name is Christine Montgomery. I am here to speak to you about my deep-seated beliefs concerning the equalities, rights and privileges I have always believed were guaranteed to all citizens of the United States. I will begin by reading both a portion of the Declaration of Independence, and the 14<sup>th</sup> Amendment as ratified in 1868.

Declaration of Independence, as written by Thomas Jefferson who was influenced by the 18<sup>th</sup> century Enlightenment scholars states:  
*"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."*

The 14<sup>th</sup> Amendment states:  
*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

Given both these statements I am deeply concerned that a debate exists to determine whether this state of New Hampshire will consider a ballot vote to add a constitutional amendment whose purpose is to legalize the discrimination of some of its own citizens.

I believe that denying persons the right to marry and enjoy the legal rights and benefits that come with that marriage based upon one's race, sexuality, gender, religious belief etc. goes against the principles of our Declaration of Independence as well as the intent of the 14<sup>th</sup> Amendment, which protects equal opportunity for all.

I believe that the passage of the Defense of Marriage Act in 1996, and the currently proposed constitutional amendment that would limit marriage to one man and one woman are discriminatory. These legislative maneuvers portend an implicit, if not explicit, intent to disenfranchise persons based solely on their sexuality. A person's sexuality becomes the legislative implement by which the majority group sustains social inequality.



Unfortunately, our country has a long history of using self-serving nuances of constitutional interpretation and fundamentalist belief to keep certain groups from achieving social and political equality. I am talking specifically about laws such as the anti-miscegenation restrictions that were first introduced in Maryland as early as 1664. These laws spread throughout the southern states and into some northern states and were more fully implemented by the 1860's. This law disallowed interracial marriages and interracial cohabitation; thereby creating an entire race of people who were unable to fully participate in "life, liberty and the pursuit of happiness." These laws were finally repealed in 1967 after many years of violent behavior toward many persons of color.

In 1967 I was an idealistic teenager. I firmly believed that people were entitled to share in bounties of our freedoms, that we were created equal and therefore would be treated as such. Yet, I was both ethically and morally confused and concerned by the violence that had surrounded the Civil Rights Movement of that decade. I could not understand how supposedly good, moral people could so vehemently believe and legitimize the belief that their skin color and race gave them the power to deny basic human rights to persons they believed were of lesser importance and status.

On May 17, 2004 I stood on the steps of Government Plaza in Boston, 50 years to the day that the Supreme Court overturned the Separate but Equal educational standards of Brown vs. Kansas. On this day we were celebrating the first legal marriages of gays and lesbians. It was an incredible and rewarding moment. And like Brown vs. Kansas we all knew it was only the

beginning; but a good beginning, one of recognition of the importance of equal rights and respect for all persons.

I stand here tonight as a parent. I have four children. Each one is a unique human being. Each one nurtured and parented with my unconditional love and guidance. These 4 children are all young adults, living independently in the world. They are people who are generally well-liked and respected by their peers, educators, co-workers and others. They are civic minded and globally concerned individuals. They have high standards for their behavior. They have many positive character traits, not the least among them is integrity. Although I am not so starry eyed as to believe they are perfect, I do believe that they are good, moral and ethical persons who leave positive impressions on those they encounter.

I do believe that each one of them is entitled to participate fully in this life, to have the same opportunities to fulfill their life's dreams. I am hoping that each one of them will be able to legally marry the person of their choice, the person they fall in love with, if that is their choice. I am hoping that each one of them will be able to fully enjoy the many legal benefits and rights that are automatically endowed by our government to legally married persons. I am hoping that each of them who so chooses will be able to raise their children in a legally recognized family structure. I am hoping that each one of them will enjoy the self-esteem that comes from being recognized as a full-citizen of this state and country.

We in New Hampshire have the opportunity now to show our citizens that we respect and honor our people as whole persons and that we will end the tradition of discrimination and legislation based on sexuality. I would like this for all our children and for their children.

I wrote a letter to the Editor of the Boston Globe stating that the word "Marriage" should be used only in a religious ceremony and that "Civil Union" should be used for all others regardless of the sex of the people.

I wrote a letter to the Editor of the Keene Sentinel the day after MA made same sex legal stating that I still loved my husband and that two people getting married did not effect me at all.

I never understood what the problem was with same sex marriage. I hear my friends and co-workers say the same thing. I then heard a radio program about a Christian college program and I began to understand.

These two students were talking about their faith and the fact that sex outside of marriage is a sin. When asked if they had "gay" friends they said yes, the old "love the sinner hate the sin" answer.

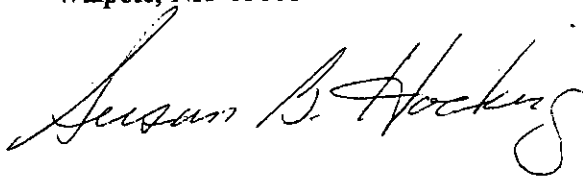
It then dawned on me that if sex outside of marriage is a sin then all are sinners who participate in the act. If same-sex marriage is legal then the sex becomes "sanctioned" sex and therefore sinless. However, according to these two, homosexual sex is still a sin. This is a religious issue and the problem for those who think this way.

The law, in this country, is based on many things but the main one is equality. We can't force people to marry and therefore we should not be able to force people not to marry.

I've listened to right-wing radio with people stating that if this is legal what is to stop siblings from marrying, or parents and children, just to protect "their rights". What they don't understand is that everybody else inherently has "their rights". If a person is not married then their siblings and parents have the legal right to speak for them.

All I'm really saying is that legally and yes even morally we must do what is right and make same sex marriage the law of the land.

Susan B Hocking  
11 Cochran Lane  
Walpole, NH 03608

A handwritten signature in cursive script that reads "Susan B. Hocking". The signature is written in dark ink and is positioned below the typed name and address.

175 Quincy Road  
Longview Farm  
Plymouth, New Hampshire 03264

State of New Hampshire  
New Hampshire General Court  
Study Committee: SB 427  
April 4, 2005

Dear Ms. Mooney,

I am writing this letter, in support of your fair and complete study of all aspects of same sex civil marriage and its legal equivalents. This serious study is important for all citizens of New Hampshire. It is clearly a civil rights issue which needs to be addressed. A minority group of citizens in this beautiful state are presently denied all the rights that I take for granted as a person who has been married for 40 years. I feel strongly that this denial of the basic rights of marriage for our gay and lesbian sons and daughters, brothers and sisters, neighbors and fellow citizens must end now.

As a PFLAG (Parents, Families and Friends of Lesbians and Gays) Mom, I work to support families, educate the public and act as an advocate for the g/l/b/t community. I feel very strongly that all three of our children must have the same, equal rights enjoyed by married persons in loving, committed relationships. Our two daughters and their husbands do have all these rights but our son does not. I never thought that one of our children would have different civil rights. When he finds a life partner, he must have the opportunity to have a committed, loving relationship with all the rights of marriage. The civil rights of marriage benefit all members of this state.

I thank you for your service to the State of New Hampshire by serving on this important committee which will guide others in understanding all our basic civil rights.

Sincerely,

*Carol S. Perkins*

Carol S. Perkins

*"Those who deny freedom to others deserve it not for themselves; and, under a just God, can not long retain it"*

*Abraham Lincoln*

My name is Liz Weber. I will be a senior this fall at Exeter High School. I am only 17 years old, I but I feel that if you ignore your rights, they will go away. I am here today to voice my opinion so that one-day I can marry here in the state of New Hampshire and be protected under all the same rights.

Picture this: A three-alarm fire initiates the response of the local fire department to the scene of a fire. A dozen fire fighters dash off of the trucks as they arrive, and run into the burning building, thinking of nothing but saving the people who are helplessly trapped inside. After struggling with the belligerent fire for hours, everyone in the building is rescued but two fire fighters are badly burned and are rushed to the near-by hospital. Phone calls are made to family members and the spouses frantically arrive at the emergency room. Each thinks back on their years of happy marriage; the gorgeous wedding, the romantic anniversaries, buying a new house, the beautiful children. Thousands of cluttered memories race through their minds when the threat of losing their spouse becomes a potential reality.

The nurses ask for proof of relation to the injured, and just as one the wives is ushered down the hallway to her husband, the second wife is asked to remain in the waiting room. Her wife, her life-partner, isn't technically considered to be family by the United States law. She is forced to sit in the waiting room, where the "friends" and non-related visitors can wait. She is informed that visiting hours are 11am to 4pm.

Hospital visitation rights are just one of rights granted to a married couple. In total, every heterosexual couple enjoys 1,049 federal rights dependent on marital status. Wake up: Gays and lesbians are your fire fighters. They are your police officers. They are your doctors. They are your soldiers. They pay the same taxes that every other citizen pays. They serve our communities and our country; they save lives and they protect. Yet they are still discriminated against by being denied the right to marry. It's about time that they started to receive a small piece of equality that everyone else so readily takes for granted.

Thank you.

I am Rev. Brendan Hadash minister of the St. Johnsbury Littleton Unitarian Universalist Church. My denomination, the Unitarian Universalist Association, fully supports gay and lesbian marriage. I have performed more than 100 weddings between gay and lesbian couples. I feel it is religious discrimination that the weddings that I perform are not recognized by the state.

You may hear today that legalizing civil marriage for lesbians and gay men will destroy the tradition of marriage. That is a lie. I have proof. Since civil unions were legalized in Vermont, the number of straight weddings that I have performed has quadrupled. I am doing a wedding Saturday for a man and woman who have lived together almost 5 years. I think what is happening is that with all the talk about the importance of marriage that gay and lesbian civil marriage has caused, it is making straight couples think. The result is that after five years of civil unions the tradition of marriage in Vermont is stronger than ever. Anyone who tells you differently is bearing false witness and you know what the bible says about that.

I performed one wedding for two lesbians who are members of my congregation who live in New Hampshire just a little south of here. They have children. Imagine one of the children gets hurt at school and the only person readily available is the woman who is not the birth mother. This woman would have no legal right to authorize hospital treatment for the child they have been raising together.

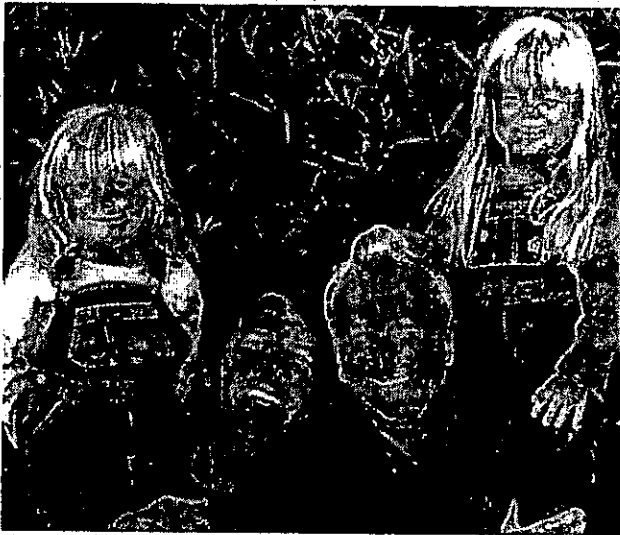
I performed a ceremony for a couple of gay men in New Hampshire just a little north of here. One of them recently had a heart attack. They had been together many years. Imagine if the person you loved had a heart attack and you went to the hospital and had no legal right to even see them. Or worse if the person you loved died and you had no legal right to make funeral arrangements.

Let me speak personally. I am a gay man. I have been with my spouse for over 20 years. ~~About~~ 10 years ago my spouse broke his arm. I brought him to the hospital and while he was being taken care of I was the one answering all those questions about insurance and medical history. Finally they asked who I was. I did not know what to say. Though we had been together for many years we had no legal relationship. Well in the meantime we have had a civil union. Last year when he sliced his hand open, I raced him to the hospital. This time when they asked me who I was I was able to answer "his spouse".

All Gay men and lesbians want is to take care of the person they love. In the name of love I beg you to legalize gay and lesbian civil marriage.

As a minister I have to quote from the words of Jesus. God is love and he who abides in love abides in God and God in him. I have been privileged to witness the love between dozens of gay and lesbian couples. I believe that love is stronger than hate. Eventually if the people of New Hampshire have any compassion in their hearts, civil ceremonies between gay men and lesbians will happen Thank you.





I am Robert Tonneberger from Brookline.

Although this hearing is about marriage, it is also about hate and fear and discrimination.

50 years ago, white folks talked about “protecting the institution of marriage”. What they meant was, if people of color tried to marry white people, you’d often find those people of color hanging from a tree. Those white folks enforced their “sanctity of marriage”. Sound familiar?

The Netherlands, Belgium, Spain, Canada and Massachusetts have all eliminated marriage discrimination.

I was brought up Lutheran. I read the Good Book and I do my best to live by it. I have never read the verse where it says “Gay people can’t marry”. Jesus was about love and acceptance – not hate and discrimination. Many supposed Christians here today are ignorant of their own religion.

Our country worked hard at putting its prejudices against gay men and women into law. It tried to criminalize our very existence. It also absolved us of all family duties and responsibilities:

- 1) to care for and support their life partner and children
- 2) to obtain health insurance for dependents

- 3) to make end-of-life and medical decisions for their partner
- 4) the protection of their home when their partner dies
- 5) or even to defend our own country

Then it says, "See, I told you gay families are unstable".

There are 3.1 million people living together in the United States in same-sex relationships. There are over 1 million children raised by same-sex parents\* that are lacking the protections and responsibilities afforded heterosexual parents.

Let's realize that a legal marriage in New Hampshire is state sanctioned marriage that requires no religious approval. For example, the Catholic church abhors divorce, yet Catholics divorce everyday then go on to remarry.

Nearly every one of you here today has a gay man or woman in your extended family. Some of you have shunned and isolated these family members. Others of you have embraced them, for love and acceptance are the essence of Christianity.

Robert Tonneberger  
Brookline, NH  
(603) 673-2808

\* These facts are based on analyses of the 2000 Census conducted by the Urban Institute and the Human Rights Campaign. The estimated number of people in same-sex relationships has been adjusted by 62 percent to compensate for the widely-reported undercount in the Census. (See "Gay and Lesbian Families in the United States: Same-Sex Unmarried Partner Households" on [www.hrc.org](http://www.hrc.org).)

April 4, 2005

Written Testimony for (SB427) COMMISSION TO STUDY ALL ASPECTS OF SAME SEX CIVIL MARRIAGE AND THE LEGAL EQUIVALENTS THEREOF, WHETHER REFERRED TO AS CIVIL UNIONS, DOMESTIC PARTNERSHIPS, OR OTHERWISE  
From: Diana Lacey, 42 Adams St., Laconia, NH 03246 (603-520-0817)

Good afternoon,

I am so pleased to be here today, with you, discussing this important topic. I have been testifying with respect to this topic for the past three years. I do so with commitment to what's best for the citizens of New Hampshire, best for the State of New Hampshire, and through a personal commitment to speak up for myself, family, and friends.

Without legal recognition of same sex couples, whether through marriage, civil unions, or domestic partnership, the State loses money both in the expenditure and revenue side. People who marry pay NH a fee for a marriage license; that fee generates revenue that supports domestic violence throughout the state. The domestic violence services are delivered to heterosexual as well as homosexual individuals. There is never enough money to fully fund these services so the State contributes General Fund dollars to ensure that they can be provided. If same sex couples were able to engage in some fashion of legal recognition, the State could charge a fee for such license and generate additional revenues to support the domestic violence program. This revenue, in essence, would reduce the need for General Fund dollars, thereby saving the State money on the expenditure side.

Without legal recognition of same sex couples, the State views an essentially intact household as two separate households with respect to public assistance programs. This means that same sex families who earn the same money as married families could become eligible for public assistance programs more quickly and more frequently. In this manner, the failure to recognize same sex couples actually discriminates against married families. It also increases the likelihood that the State will incur expenditures to support same sex families when they come upon hard times such as illness, injury, or layoff.

By the same token, should a same sex coupled family break up, the State has no legal recourse to pursue child support payments from the non-biological parent. The State uses child support money to offset public assistance provided; and in cases where assistance was not provided, the child support is seen as revenue for the family that will reduce the potential for the family to need public assistance at a later date.

If a juvenile receives services from the State because of delinquency issues, both the parents in a married family or even divorced family will be held financially responsible for paying a portion of those services back to the State. In a same sex coupled family, the State cannot seek financial repayment from the non-biological parent. Therefore, the State loses potential revenue and married/divorced couples are again treated in a discriminatory manner when compared to their same sex counterparts.

The above examples are multiplied at the various lifestages that a couple and family may go through. We never know what help will be needed nor when...but when help is indeed needed, the State must serve all citizens despite their family construct. The State is in the midst of great economic hardship. At a time when we are considering charging Medicaid recipients for their insurance, when we are considering delaying even further services to the disabled, the State can ill afford to continue to turn its back on an issue that can in both the revenue and expenditure side of the budget, improve its current condition.

Our Legislature must also consider that they are elected to protect all citizens of the State. In NH, less than 50% of the coupled households with children are headed by married couples. Of those coupled households with children, over 50% of them are headed by same sex couples. These statistics, from the US Census Bureau, clearly indicate that, whether we like it or not, same sex couples are here, they're raising families, they're children are in our schools, and they're paying taxes and/or drawing from public programs. For this reason, we must examine the more subtle implications of continuing this pattern of ignoring this population.

**Marginalization** of gays and lesbians greatly contributes to the incidence of suicide, alcoholism and other substance abuse, depression, and marriage under false pretenses. Specifically, because NH continues to marginalize gays and lesbians, by failing to create a legal recognition within which they could live an ordinary life as a couple and family, people feel ashamed, cursed, abnormal, guilty, and like a failure when they begin to realize and face their own sexual orientation. For some, this happens after they have already entered into a marriage, and for yet others, after they have had children through a marriage.

When it occurs at later stages, such as after marriage and children, the added feeling of being an imposter and fraud presents itself. Guilt is multiplied and suicide contemplated more and more. For those wherein this occurs at earlier stages in life, the general feelings of being abnormal and not wanted by society prevails through the entire formative years into adulthood. These people devalue themselves and feel there is no real place for them in our society. They may adopt hi-risk factors that impact the State's rate of STDs, the incidence of suicide, or the dependency on alcohol and drugs.

In the above examples, because we have marginalized gays and lesbians as a society, we experience negative and perhaps fatal consequences. Broken families and homes, debilitating depression, chronic substance abuse issues, and disenfranchised citizens that fail to participate in the broader issues that society faces. Again, in essence this means that our failure increases the potential for public programs on many different levels.

**Wrong...** it's wrong to continue to treat people as second class citizens. The religious implications cannot be managed through our laws as they are not managed through our public programs. Our society is built up of all of us, despite our religions, our personal beliefs, and our orientation. I urge you, as representatives of all NH citizens, to explore this issue and develop a responsible solution to what is now a fact of life in New Hampshire. We must look beyond what we ourselves want or need, and look to what New Hampshire needs as a whole...whole citizens, whole families, good public health, good mental health, and solid public policies that maximize our most precious resources – our adults and citizens.

Thank you.

May 27, 2005

Chairman Soltani  
Commission to Study All Aspects of Same Sex Civil Marriage...  
Legislative Office Building, Room 208  
Concord, NH 03301

RE: Study Recommendations

Dear Chairman Soltani,

During my oral testimony at the May 9, 2005 meeting of the Commission, I urged the Commissioners to engage in a comprehensive study of the same sex civil marriage issue utilizing the resources available to the Commission through the representation of various stakeholder agencies participating in the Commission itself, as well as other pertinent State agencies. I suggested this in light of concerns you raised regarding a lack of budget and resources to carry out the Commission's work, and also because I am concerned about the source and validity of information that has been submitted to the Commission by biased individuals or organizations on either side of this great debate.

The Commission has and continues to hear testimony from New Hampshire residents that describe their own personal experiences in this matter, and testimony from yet others who have no personal experience but refer to other states' and even other countries' experiences. It is clear from the testimony received thus far that the Commission has a serious task at hand in its examination of same sex civil marriage and legal equivalents thereof. It is equally clear that, barring a concerted and controlled effort to logically undertake this examination, the Commission will be left to review primarily biased material that may not be representative of NH state government nor its citizens. For these reasons, I suggest that the Commission request the assistance of:

- The agencies within the Department of Health and Human Services, in particular, Family Assistance, Child Support Services, Juvenile Justice Services, Behavioral Health, Public Health, Elderly and Adult Services, and Children, Youth and Families.
- The Department of Labor
- The Department of Insurance
- The Department of Education
- The Department of Justice
- The NH Court System, in particular, the Family Court Division, Superior Courts, and Probate Courts
- NH Employment Security
- University System of New Hampshire

Each of these agencies has its own internal resources which are available to respond to Legislative requests for information. Because they are State agencies, the

information put forth from them should not be biased, as it is not their role to be. Requests for information to them should be targeted to those services they have responsibility for that impact families, employment, education, health, and finance as they pertain to family structure.

I suggest that the Commission develop a set of questions, specific to each agency, and request that the agency respond to it in two ways – the answer pertaining to a married and/or intact family (sometimes marriage is not a requirement but blood relative status is) and the answer pertaining to a same sex coupled family with no legal recognition. In some instances, the response will be tailored down to single lifestyle versus monogamous lifestyle, such as in the examination of sexually transmitted diseases, good mental and physical health.

Upon review of each agency's response, the Commission can identify the key components of this debate that have merit for our government, and therefore our Legislature, to consider. Looking at NH's interest in this matter is what I, as a citizen and as a public employee of this state, feel is essential to happen. Childhood health (whether as the child of a same sex couple or a child struggling with the possibility of being homosexually oriented), public assistance programming, child custody and support, elder care and rights, financial stability and retirement planning, health insurance rights, employment benefits, mental and behavioral health – these are just some of the issues that the Commission can ask state agencies to explore.

The Legislature cannot and should not dictate religion; realistically we know that the Legislature cannot please everyone on this issue – or even a majority of people on either side of it. But even without a budget, this Commission can and should examine this issue utilizing NH state resources as opposed to private resources who may be biased. With the knowledge derived from such an exercise, the Commission will be able to bring forward recommendations to the Legislature and NH citizens that are intrinsically connected to NH, our government, our economy, and our way of life.

Thank you for considering this suggestion. If I can be of any assistance to you, please do not hesitate to contact me.

Sincerely,

Diana Lacey  
42 Adams Street  
Laconia, NH 03246  
[dianal@metrocast.net](mailto:dianal@metrocast.net)  
603-520-0817

Cc: Commission Members

APA - 150,000 psychologists  
State homosexuality is  
not a choice and not  
Justin Drake  
6/22/2005  
a mental illness.

Gay marriages legal in #21)  
Massachusetts where I go to  
school, and the state has  
not sunk into the ground yet.

Testimony before the NH Commission on Same-Sex Marriage

Hi, my name is Justin Drake. I'm currently a college student, just one year away from graduation, and just one year away from what many would call the real world. ~~This is a very exciting time in my life for a number of reasons. The prospect of starting a new career is thrilling to me. Meeting new people, forming new friendships, and giving back to my community even more will be very fulfilling experiences.~~ Unfortunately, ~~though~~, I will not have access to one of the principle joys many find in going out into the real world. While the majority of my friends will have the freedom to marry the person they fall in love with, that freedom will not apply to me simply for who I am. ~~Yes, I happen to be gay, and at this time I cannot legally marry the man whom I fall in love with. No matter how committed we are to each other, no matter how many years we may have been together, no matter how many hard times and good times we've endured together, our relationship holds no weight currently in the eyes of the law.~~

as I step into the real world

I'm here now to urge the state of New Hampshire to stand firm against discrimination, and to give all of its citizens the right to marry. Marriage is an institution like no other in that it can truly unite two people in the eyes of each other, their family and friends, and their communities. No other institution brings with it the protections, benefits, and responsibilities that marriage does. ~~I understand that opening the doors of marriage to all citizens is a hot topic in this country right now, but I believe the reasons behind all of this hysteria really miss the point.~~ Marriage is about solidifying loving, committed relationships and securing families in the eyes of the law and in society. ~~It's about bringing stability to those relationships that nothing else truly can.~~ Right now there are families out there surviving without the same protections of their heterosexual neighbors and friends, simply because they happen to be homosexual.

Some say marriage must remain exclusively heterosexual to protect the children.

This argument always baffles me down to my very core. If one takes a closer look, one would realize that there are hundreds of thousands of children being raised in this country by gay and lesbian couples. Those families live without the protections that every other

family has under law, since they are denied the right to marry. These children grow up without the stability of having two married parents, whom are recognized by their community and their governments. I believe it is in the best interest of these children to strengthen their families, not further harm them through corrosive rhetoric and baseless fears.

I am also baffled by this argument because not too long ago I was a teenager, and not too long before that I was a child. I grew up knowing that I was a little different from those around me. Because of the negativity constantly thrown at homosexuals, I had a lot of trouble accepting myself for who I was. I was upset, knowing that my dreams of starting a family were all but over, at least in my mind back then. I didn't want to live my life as an outcast, constantly having doors of opportunity slammed in my face.

Right now, many states are slamming doors in the faces of their sons and daughters, their brothers and sisters, their aunts and uncles; their neighbors, their teachers, their bankers, their doctors, and even members of the armed forces of this nation, who risk their lives to defend our freedoms, including every heterosexual's right to marry ~~the person of their choosing~~ *the person they love.* By denying gays and lesbians the right to marry we are slamming the door in the faces of millions of American citizens by denying them one of this country's greatest promises: the American Dream. We are not so different from our heterosexual friends, family members, and neighbors. We want to live good, productive lives. We want to give back to our communities. We want to meet the person of our dreams, fall deeply in love, and start a family of our own some day. It is my hope, though, that my family will matter as much as any other family in the eyes of the laws of this great state.

I've called this state home for twenty-one years, and I hope to call it home for many more. I believe it is time for our state to stand behind all of its citizens, as it has boldly done in the past. ~~When taken to the political realm, marriage becomes quite a heated issue these days.~~ When one takes a ~~more~~ personal look at the issue at hand, ~~however,~~ one realizes that real families are hurting. One realizes that real children are hurting. One realizes that fostering a culture of discrimination will only lead to darker days ahead.



It is time for this state to become a beacon of hope for people believing in fairness across this country. Other New England states have already taken strides in the right direction, and it is time for New Hampshire to join them by taking one bold step forward. This brings to mind a quote by the great Martin Luther King Jr., which states that "Injustice anywhere is a threat to justice everywhere." Injustices have already occurred in many states across this great nation. It has indeed become a threat to justice <sup>here</sup> ~~in other areas of this country~~, but such prejudice and exclusion need not seep into this great state. ~~Gay youth, like myself, have been given hope by states that have sided with fairness and equality. It gives hope that there will be a day that we too will not be denied fundamental rights that most of the population of this country is already entitled to. A new hope has arisen in me.~~

When I first realized I was gay I would never have dreamed that I could have lived an even remotely normal or happy life, because society didn't accept me for who I was. Now I am given hope that this will change. Now there is a chance that I will be able to marry the man whom I fall in love with, and be treated with the same respect and dignity that heterosexuals are given simply for being born straight. Let us not turn our backs on our gay and lesbian friends, family, and community members. Let us not break people down. Let us build people up, and truly build stronger families and stronger communities, where marriage is the highest level and goal of loving, committed relationships, regardless of what gender the partners may be. Let us bring true values and morality back to this great country, and this great state. Please don't slam the door in my face and deny me the American Dream.

MARRIAGE COMMISSION

TESTIMONY BY SUSANNAH COLT

June 22, 2005

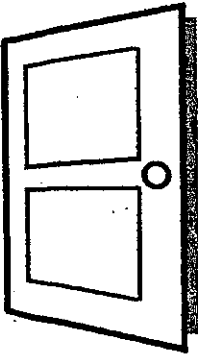
My name is Susannah Colt. I reside in Bedford, NH. I am a lawyer who has lobbied for equal rights for homosexuals for over a decade. I am a lesbian as well and I urge you to keep an open mind during your deliberative process as you study the issue of same sex marriage. It is truly a matter of what is fair and right and how we treat our citizenry.

I would like to give you a personal example of how I have been impacted by the lack of marriage rights. While I was involved in a long term committed relationship in which my partner and I owned a home together and shared a life that we considered to be a marriage, I found myself having to leave fulltime employment to take care of my aging mother who was diagnosed with Alzheimer's disease. My partner, who was employed with all the benefits an employee could have, was unable to convince her employer to include me in their health insurance so I became uninsured. If I had been married to my partner, there would have been no question about providing me health insurance through her employer. The ironic part is, if I were to have a major medical expense and I was unable to afford it, the hospital would be unable to go after my partner's assets because we aren't married. So my hospital bill would very likely fall upon the burden of taxpayers who are unaware of where their tax dollars go. Does this make any sense at all?

Marriage carries with it rights and responsibilities. I urge you to recognize that those rights and responsibilities should be afforded to everyone who desires to be in a long term committed relationship regardless of their sexual orientation.

Thank you for your consideration.

Susannah Colt  
7 Pinecrest Circle  
Bedford, NH 03110



# SEACOAST OUTRIGHT

P.O. Box 842 Portsmouth, NH 03802-0842  
603.431.1013 ▲ seacoastoutright@hotmail.com  
www.seacoastoutright.org

## Board of Directors

Steve Small  
Chair

Calvin Couch  
Vice Chair

Ea Ksander  
Secretary

Lee Hoginski  
Treasurer

Charlene Andersen

Silas Archambault\*

Debby Johnson

Shari Pl Atkins

Miranda Sciabarassi\*

John Seavey

Evan Tassis\*

Tina Trudel

\*Youth Member

## Executive Director

Tawnee R. Walling

Hello. My name is Tawnee Walling and I'm the Executive Director of Seacoast Outright a support and advocacy organization for gay, lesbian, bisexual, transgender, queer, and questioning youth. Before I begin I'd like to thank the Commission for their time this evening and express my appreciation to all who have come tonight. As an adult who spends the majority of my time working with and for young gay, lesbian, bisexual and transgender youth throughout the Seacoast, I can personally attest to the importance of equality for all. In our schools, faith communities, doctors offices, work places everyone is discussing the issue of marriage between two people of the same sex. For glbt youth and young adults, this issue is particularly pertinent. As they are attempting to grow up in a world that much of the time alienates and discriminates against them, and to develop healthy, meaningful relationships in this climate, they are constantly aware that their relationships are not now and might not ever be legally recognized. And this is profoundly confusing since they pay taxes, and participate in their communities in a variety of ways and yet they are consistently and perpetually treated as second-class citizens solely based upon who they choose to love and be in relationship with.

Now, I've heard probably heard all the comments against marriage equality from a variety of different sources, particularly those from a religious perspective and as a Christian I find myself to be absolutely appalled by the complete and utter disregard for the gospel that is perpetually being thrown about...for when Jesus was asked time and again, what should the disciples do and how should they be in the world, Jesus' answer was shocking in it's simplicity, "love god with all your heart and love your neighbor as yourself." This is all that is required.

Likewise, for the gay, lesbian, bisexual and transgender youth and young adults that I work with at Seacoast Outright their understanding too is shocking in it's simplicity. They ask, "How come I can't get married?" and "How is my being able to get married, threatening to anyone else's marriage?" Indeed. I would have to agree. Sometimes we adults make things too complicated. We did in Jesus' time and we do now. Discrimination is wrong, always. New Hampshire must offer the full rights and responsibilities to all people, regardless of sexual orientation or gender identity. Not to do so is Discrimination. It's shockingly simple. Thank you.

*The mission of Seacoast Outright is to help gay, lesbian, bisexual, transgender and questioning (glbtq) youth mature and develop into healthy, caring, productive citizens. Through support, affirmation, and the dissemination of accurate information, Seacoast Outright hopes to foster feelings of wellness, self-worth, and dignity among glbtq youth.*

#35

July 25, 2005

Dear Commissioners,

My name is Robert Worden. I live in North Swanzey. I would like to testify on behalf of marriage equality.

Marriage is about love and commitment. I don't understand why gays and lesbians are still discriminated against by being denied the right to marry. We are denied many important rights that go along with being married; legal rights, hospital visitation, health insurance, and also retirement and death benefits that other long-term committed couples enjoy. We don't have rights to our loved ones children if something happens; either our loved one is in the hospital or our children are sick. These are things that others are entitled to by being married.

Marriage equality is about people loving and caring about each other. I myself have always dreamed of having a big wedding, and when I fall in love with the right man, I would like to get married. That is my right and I shouldn't be discriminated against because I am gay.

I believe that every one deserves the right to marry.

Thank you for your time and for coming to Keene to hear my testimony.

Sincerely,

Robert J. Worden

12 Old Lake Street

North Swanzey, NH 03431

Testimony before Commission on Same-Sex Marriage and it's legal equivalents  
Monday, August 29, 2005  
Nashua City Hall

Brian Rater  
31 Mason Rd  
Brookline, NH 03033  
603-673-6749  
BRIANRATER@CHARTER.NET

Good evening. My name is Brian Rater and I live in Brookline, NH.

My husband, Brendan, and I have been together for 9 years.

During that time we have survived several medical emergencies in his family, both of his parents being in a nursing home, the death of his father and recently a medical emergency of my own.

When I was just coming out of some odd state of unconsciousness, I was groggy and confused. I didn't know what was going on, but I saw Brendan there in the emergency room and I knew that it was going to be OK. He was there to make sure that the doctors knew what they needed to know about me and was able to make medical decisions when I wasn't able to.

He was able to do this not because of the romantic wedding that we had last year. We pledged our love and commitment to each other in sickness and in health before our families and friends, but the law does not give any consideration to such sentimentality when the couple of gay.

He was able to do this because of the very unromantic legal documents that we had a lawyer draw up for us in her office. They cost us \$1,000 rather than the \$45 marriage license fee and they only provide 8 of the 400 protections of marriage under NH law, but it's all that we are allowed to have.

Every family worries about their safety, security, and future. I worry that one day one of us will have to go into a nursing home for an extended time. Under current state law, the state can force the other spouse out of our home so that the state can sell it and use half of the money to recoup medicare expenses. Legally married couples are exempt from this, of course, but nobody cares what happens to us.

Our house is 2 miles away from Massachusetts. Just 2 miles away, our marriage would be given the same amount of respect – no more and no less – than any other. What we want is what everyone wants – to be able to live our lives free of government discrimination.

# State of New Hampshire Public Hearing

Littleton, NH

May 31, 2005

Statement by Neil Blair & Jeffry Burr

791 Easton Valley Road, Easton, NH 03580

Good Evening.

My name is Jeffry Burr and this is my partner of 5 years, Neil Blair.

We are a committed couple, who own a small local business together and are residents of Easton, NH. We pay our taxes, support our community and local businesses, and live lives like everyone else around here.

Tonight, we thank the Commission for the opportunity to share our views on equality and civil rights. We oppose the State of NH in denying the right to marry to same-sex couples.

Marriage is a private, personal choice of love, collaboration and commitment. It is a legal, civil right of American citizens which entitles them to rights, benefits and protections. These are, however, currently only available to select citizens. It is discriminatory to deny these same rights and protections to responsible American's, who are in life-long committed relationships, simply because it involves 2 adult people of the same-sex.

It was not long ago, that America realized the injustice of denying Catholics and Protestants, African-Americans and Whites, the right to marry. We now

realize how unfair this past discrimination was to those loving, committed couples. Let us learn from these positive forward movements of equality for our Country and let us not repeat this embarrassing past.

Neil and I would like to share with you how we are discriminated against by being denied the right to marry. There are hundreds and hundreds of legal, financial and social inequities in this discrimination against same-sex couples. Let us share a few that impact us significantly:

Neil is employed by United Airlines. Currently, United Airlines offers it's employees domestic partnership benefits. We are fortunate to have health benefits for us both, and, my two children. We are grateful for this coverage. However, unlike married employees, we are taxed, as earned income, on the premiums that United Airlines contributes to this insurance. And, if United Airlines goes out of business, which is likely, we will be faced with paying prohibitive insurance premiums for a family policy **and** an additional individual policy, because we are denied the right to marry like other employees.

United Airlines recently terminated Neil's pension benefits after nearly 20 years of service. Unlike married couples, Neil, nor I, will have access to or the security of a spouse's pension or other retirement benefits in our Golden Years. We deserve the same rights and protections for a promising future as other married citizens.

If I were to be hospitalized for some reason, Neil, my long-term partner, could be prevented from visiting me or advocating for my healthcare, by my

next of kin. My next of kin is my fundamentalist Christian brother from Dallas, Texas. This is not right and is not my desire. If we were not being denied the right to marry, I would not have to worry about this happening.

There are nearly 1400 Federal and State legal rights that are being denied to life-long, loving, committed same-sex couples who wish to be married and have the same rights and equality as all other American citizens. These are only a few that we face every day.

In closing, we would like to share two recent findings to help all of us move forward to marriage equality and stop the intentional discrimination against same-sex couples who deserve the right to marry.

1. As reported, this week, in a major national weekly news magazine: After one year of legalized same-sex marriages in MA, 84% of MA voters feel that there has been only positive or no impact on the quality of life in MA, as a result.

2. Last week, the American Psychological Association voted to endorse same-sex marriage in America, saying they do not see any negative psychological or social impact on individuals, families or children as a result, but only healthy, positive development from recognizing healthy, loving, committed same-sex marriages and families.

Thank you for listening. Please, let's do the right thing and legalize marriage for all New Hampshire citizens and end the discrimination of same-sex couples, who wish to marry, in NH.



136

To the Honorable Commission to Study all Aspects of Civil Marriage  
for Same-Sex Couples as Directed by Senate Bill 427

July 25, 2005

Dear Commissioners.

We are Gil Martinez and Max Mitchell, and we live in Jaffrey, New Hampshire. We testified two years ago in Concord in favor of marriage equality for same-sex couples. One of us is an American Citizen and the other a Mexican Citizen.

Gil, the Mexican, is here on a work visa which is set to expire at the end of 2006. Had we been a straight couple, he would have been eligible for citizenship this year. Because our Vermont Civil Union stops short of marriage, and because both New Hampshire and the Federal Government refused to recognize our Civil Union, we were forced to confront the real possibility of leaving the country in order to be together. We were forced to consider three alternatives. Max could leave his homeland and settle in a third country with Gil, and that he will not do. We could both live apart until these discriminatory laws disappear, and that could take years. Or Gil could stay illegally in the country, and he refuses to break the law, however unfair the circumstances. The situation was stressful to the point where we were forced to break up.

To add insult to injury, Vermont will not divorce us because we do not live there, and New Hampshire won't do it either because the state claims there is nothing to dissolve. Unfortunately other countries such as Canada do recognize this union as valid, and have asked for Max's applications when it was Gil who needed a visitor visa. Because it is not a real marriage whether they would dissolve it remains unclear. We find ourselves in the horribly painful position of having the same unfair and unconstitutional law that destroyed our marriage preventing us from moving on.

We implore the commission to recommend that the legislature stop discriminating against same-sex couples and give us marriage equality, which includes several hundred laws that deal exclusively with divorce. We deserve the right to rebuild our lives and perhaps find someone with whom we can form a family again.

In the divine words of the Supreme Court, the right to marry means little if it does not include the right to marry the person of one's choice.

We look forward to your fair and just decision to stop discriminating against couples like ours in December.

Sincerely,



Gil Martinez



Max Mitchell

Dear Commissioners:

Thank you for visiting Littleton this evening and for hearing testimony on this most important Civil Rights Issue.

My name is Maria Doyle and I am a resident of Bethlehem, NH. I moved here nearly 4 years ago in order to be with my partner, Grace Newman. We have been together over 8 years as committed partners. We have come to consider each other family and love our life here in New Hampshire. Grace moved here 22 years ago and took an uninhabitable building and turned it into a thriving business that has contributed to the economy and vitality of this community for 22 years. When I moved here 4 years ago, I became a social work supervisor in a private child welfare agency and helped to establish the agency's presence in the North Country to work on behalf of some of our most vulnerable children. We'd like to think we are doing our part to make the community a better place.

We have come to believe that New Hampshire is a place where good things come to those who work hard and show good intention.

Despite the most sincere intentions and best efforts of both my partner and me, we are not able to be full participants in our community. Despite all the support, friendship and opportunity that we find here, we are denied important civil rights.

Being denied the right to marry means that no matter how hard I work or how good my intentions are that I cannot be sure that I would have access to my partner and help make important decisions if she should become seriously ill.

Grace and I purchased a home together last year. We renovated a house that had fallen into disrepair and improved it so much that strangers would stop by and let us know how much they appreciated our efforts. Being denied the right to marry means that no matter how hard we worked on that house or how good our intentions are, I cannot be sure that if something happens to me that the house would automatically become the property of my partner.

As I said Grace and I have been together for 8 years and consider each other family. But being denied the right to marry means that no matter how strong our intention is that we be considered each other's family, that we are at the mercy of others' good intentions as to whether we can have a family membership at the health club, whether I can take sick leave to care for Grace in case of illness, or whether we can act on each other's behalf in places we both do business.

I am fortunate enough to work for an employer who provides health benefits to domestic partners, so Grace is able to receive health insurance on my plan. However because we are not married the cost of the benefit is not exempt from federal tax, the way it would be if she were my spouse. I am aware that this is a federal, not state issue, but let me note that because we are denied this important civil right, I paid \$1500 more in taxes last year, than my married colleagues with the same coverage paid. That is \$1500 I probably would have spent in New Hampshire. Furthermore many other of my employee benefits do not extend to my partner, they way they do to spouses of married colleagues. Being denied the right to marry means regardless of how hard I work at my job I cannot bring home as many rewards to my family as other employees do.

I am very clear that the issue being discussed today is a CIVIL rights issue. I think it is very important that we keep our focus on the word CIVIL. It is the responsibility of the NH government to provide for all of its citizens. The issue before us is the extension of civil rights to same-sex couples. I see some parallels in this discussion to the Catholic Church's stance on divorce. The right of the Catholic Church to not sanction divorce is well recognized. Divorce remains an issue strictly in the civil domain. I am not aware of any attempt to legislate that the Catholic Church recognize civil divorces. Similarly the issue being discussed here should stay in the civil arena. The state should rule to extend the right to marry to same sex couples because it assures equality and opportunity to all its citizens, without any expectation that religious institutions will recognize and endorse this action. This is not a moral issue. This is a civil issue.

This is about me and my family being as protected and able to participate as fully in this community as any one else who works as hard and has intentions as good as mine.

Thank you for listening.

Maria Doyle, LICSW  
Bethlehem, NH  
May 31, 2005

## TESTIMONY OF RONNIE SANDLER

May 31, 2005

Littleton Opera House

Good evening. My name is Ronnie Sandler. I am a resident of Easton, and have lived in NH for over 35 years. I am here to speak in favor of "same sex civil marriage." I want to share three stories with you, about real people and their real experiences.

The first is about the first two people to get married in San Francisco when the Mayor of that city boldly allowed lesbians and gays to marry. The first two people to get married there had been together for over 50 years! Phyllis is now 79, and Del is 81. Del was a bookkeeper and Phyllis was a secretary. They are both retired now. They cannot collect each others pensions or social security. If one should die before the other, the survivor would probably lose the house they have shared together for over 30 years, due to inheritance tax. **The discussion we should be having here should be about loving, faithful and committed relationships and affording those relationships equal civil rights.**

I know that New Hampshire is not San Francisco, so let me tell you two more stories that are closer to home!

Jean and Dodie had shared their lives for over 30 years. Jean was a nursing professor and Dodie was a nurse. When Dodie died last summer, her body was brought to a funeral home late Thursday night. They had signed all the papers gays and lesbians are told to have. On Friday, Jean went to the funeral home to make arrangements for the release of Dodie's body before the weekend. She was told that Dodie had "next of kin." Dodie and her brother spoke once a year by phone and exchanged Christmas cards. But, since he was "the next of kin," and the power of attorney, living will, will, and all the other legal documents they had paid to have drawn up made no mention of release of the body after death, a certified, notarized letter from Dodie's brother was necessary to release the body. Or Jean could go to court the following week to try to get the body released! Dodie's brother was finally located and said, "Whatever Jean wants, of course! She was Dodie's life partner!" And he sent out the certified, notarized letter. **The discussion we should be having here tonight should be about loving, faithful and committed relationships and affording those relationships equal civil rights.**

Ann is British. She came to this country on a student visa about 10 years ago. She has remained here on work visas. While she was a student she met Kim. They now have two young children under the age of six that they are raising. Ann worked at a micro-enterprise center at a college. Kim worked part-time so she could be home for the kids. Last year, Ann applied for her green card through her work since she could not apply through marriage. In December, the job that she held was NOT approved by the U.S. Department of Labor as eligible for green card application. She received notification from the INA that her green card application was denied, she was ordered to leave the country within 10 days, and can not return for a minimum of 1 year! This is what we call "family values"!?! Splitting up a family with two young children, making a single parent out of one of the mothers, and telling the other mother that she cannot even visit her children for at least a year!

**Separate but not quite equal will never be equal! The discussion we should be having here in NH should be about loving, faithful and committed relationships and affording those relationships equal civil rights.**

Thank you.

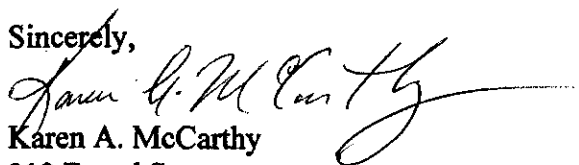
Dear Members of the Committee:

Thank you for taking the time to study this issue. I am here to help put a face on marriage equality. My partner and I have been together for eleven years. For the first nine of those years we both worked professionally in the public education system. Two years ago I left my career to stay home and raise our daughter. Because, as a lesbian, I do not have the rights afforded by marriage, I do not qualify for insurance under my partner's policy. As a result we have extra financial burdens when trying to provide for our daily well-being, our future, and the future of our child. These burdens do not exist for heterosexuals and would not exist if my partner and I were allowed to marry.

I am also here for my daughter. Currently she has one legal parent. It is unbearable to think of the mess that would occur if something happened to my partner. The rights afforded through marriage were designed to help families through difficult, unimaginable times. No one should have to face uncertainty and discrimination at times of hardship.

I am in the process of seeking parental rights. This process, like the process of being a stay at home mom, creates extra burdens for our family. We, in effect, have had to go through the adoption process twice. That means two times the cost, two times the paperwork, and two times and the scrutiny. Only marriage will eradicate this and other types of discrimination you are hearing about today. I am appreciative of your willingness to look closely at these issues and I urge you to end this discrimination.

Sincerely,



Karen A. McCarthy  
212 Broad Street  
Portsmouth, NH 03801  
603-433-7061

#25

There should be no mistake about it, this is a civil rights issue. I am simply a United States citizen who believes that I should have rights equal to that of all other tax-paying American citizens. I should have the right to marry the consenting adult of my choice. This country has a history of discriminating against people who are not in the majority. Isn't it about time that we really understand, not only the unfairness of, but all of the disadvantages of bigotry to a civilized society? How many times do we need to learn the same lesson?

There is no rationale for denying gay and lesbian people the right to marry that is not based on fear of the unknown, ignorance, or individual religious beliefs. And so when in American history did we decide that any of these 3 things were justification for making laws? For denying the rights of citizens?

It was illegal up until 1967 for white people to marry blacks in the state of Virginia. Why? Because of ignorance, fear, and religious belief. Many people felt it was simply sinful. Some people just couldn't understand how a white person could love a black person. Just as some now cannot understand how a woman like myself could love another woman. Please don't deny me my rights simply because you don't understand.

I am a hard-working and contributing member of American society. I want to be recognized as a whole human being who has the capacity to love, and make a commitment to my partner- the same as any heterosexual person. Just as interracial marriages were not a threat to the fabric of our society, gay and lesbian marriages pose no threats. Marriage is about love. When has love ever been a threat? How could a commitment to love another person for the rest of their life be a threat to anyone?

I'll end by saying that same-sex marriage in Massachusetts, in Canada and in other parts of the world has only enhanced, not threatened the institution of marriage.

Karen Congalosi  
312 Old Chesterfield  
Chesterfield, NH  
03443

My name is Carol Reynn + I am a Christian

My partner and I have been together for 24 years. That's a long term commitment of love and trust.

We purchased our home, brought up a teenager (no easy task) <sup>who is now a very well adjusted young adult</sup>, saved for retirement with pensions and investments, gave public service to our town and contributed to the system just as you have. We have worked together for all these years looking forward to retirement. We never thought much about the legal status of our investments. But the time has come to face the fact that if one of us dies the other will have to pay inheritance taxes on half of what we already own. Legally married spouses do not have this burden.

Other issues are hospital visitation and medical decisions for health care should one partner be incapacitated. The list goes on and this is only states rights issues.

Federally, same sex couples have absolutely no legal protection or rights. Social Security benefits for surviving spouses is only one of the 1,049 rights that married people have for Federal protection.

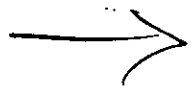
Not allowing black and whites to marry was a Civil Rights issue  
Denying women the right to vote was a Civil rights issue.  
Denying same sex couples the right to marry is also a Civil Rights issue.

There was a time when women were not allowed to own property.  
There was a time when the marriage contract was between the groom and the bride's father.

Now is the time to end discrimination against same sex civil marriage.

\* Carolyn + I were married in Canada last year. Because I work in MA + because MA recognizes our marriage, we are able to have family health insurance a big cost saving over a monthly COBRA payment

Carol Reynn

Old Testament: Jacob had many wives  
also that if a wife was found not to be a virgin, she  
could be even uterak 

6-22-05

I have been gay all my life  
I thought I was the only one!  
I would like to say that a major obstacle will be  
the separation of religion & politics. Gay marriage is  
simply a Civil Rights issue. Carol & I were married in  
Cranbrook, Dutch Columbia after 23 years of being together  
It is only recognized in Massachusetts. Heterosexual  
Canadian marriage is recognized every where. Gay  
marriage should have the same rights. If a church  
~~wishes to marry only believers~~ <sup>welcomes homosexuals they ~~will~~ may choose to marry</sup>  
~~them & vice versa,~~ <sup>them & vice versa,</sup> ~~then they do not have to marry same sex couples &~~  
~~vice versa.~~ It is every ones right to be able to obtain  
a marriage license & get married ~~where~~ <sup>where</sup> it suits  
you. It seems to keep coming back to Civil Rights.  
It's my hope that N.H. is open minded enough to give  
gay marriage the same rights as heterosexual marriage.

Carolyn B. Webber



Dear Chairman Soltani and Members of the Committee:

Thank you for taking the time to study this issue. I am here to help put a face on same sex civil <sup>marriage</sup> union. My partner and I have been together for eleven years. For the first nine of those years we both worked professionally in the public education system. Two years ago I left my career to stay home and raise our daughter. Because, as a lesbian, I do not have the rights afforded by civil marriage I do not qualify for insurance under my partner's policy. As a result we have extra financial burdens when trying to provide for our daily well-being, our future, and the future of our child. These burdens do not exist for heterosexuals and would not exist if we were allowed to engage in civil marriage.

I am also here for my daughter. Currently she has one legal parent. It is unbearable to think of the mess that would occur if something happened to my partner. The rights afforded through civil marriage were designed to help families through difficult, unimaginable times. No one should have to face uncertainty and discrimination at times of hardship.

I am in the process of seeking parental rights. This process, like the process of being a stay at home mom, creates extra burdens for our family. We, in effect, have had to go through the adoption process twice. That means two times the cost, two times the paperwork, and two times and the scrutiny. Only civil marriage will eradicate this and other types of discrimination you are hearing about today. I am appreciative of your willingness to look closely at these issues and I urge you to end the discrimination.

Sincerely,



Karen A. McCarthy  
212 Broad Street  
Portsmouth, NH 03801  
603-433-7061

As far as I know, we have civil unions in this state and in other states. Any man and woman can go to a justice of the peace or judge and be joined together in a civil union. It's called marriage. This talk of civil unions is simply talk about marriage; the only difference is spelling. So let's face what everybody already knows: talking about same-sex unions is talking about same-sex marriage.

Now whether you believe that, at the dawn of human history, God created man and woman, thereby instituting marriage, or whether you believe that man descended from apes and marriage evolved as the safest and surest way to perpetuate the human race, the conclusion is just that: marriage is the safest and surest way to perpetuate the human race.

Yes, we now have artificial insemination and other technology that can substitute for the natural method of procreation. However, if North Korea and China (or some other groups) decide to plunge the world into nuclear war, or if some other catastrophe takes place, these artificial options can suddenly cease to exist.

There is talk of marriage being a "right". Marriage is not a right, civil or otherwise. If it were, I could demand that someone marry me whether they wanted to or not, because my "right" was being denied. Marriage has taken place, and continues to take place, in countries where there is no such thing as civil rights. Marriage is not a right because marriage predates not only this country's government, but previous governments, according to historical records.

Therefore, no branch of our government has the "right" to change the concept of marriage or to redefine it; it is "grandfathered in", as it were, and government has no jurisdiction over it.

So who or what does have jurisdiction over it? If you believe that God instituted it, then God has jurisdiction, and He has forbidden same-sex unions. If you believe that it evolved, being the best way to perpetuate humanity, then same-sex unions thwart that concept and don't make evolutionary sense.

The only other alternative I can see is to isolate this issue from historical context, both past and future – viewing same-sex unions as a behavioral issue without precedent or consequences. And if we do view it this way, then our laws have jurisdiction over behavior – and the laws can be changed. This seems to be path the courts, and now this legislature, are trying to follow.

However, this view is not only irresponsible, it's irrational. No behavior is without precedent or consequences; therefore, no responsible or ethical authority can arbitrarily decide to alter laws or social mores without referencing the historical context. This is especially true of every branch of our government because of its sworn foundation to promote the *common* good and the *general* welfare of the people of our state and our country. Same-sex unions do neither.

Nancy Mari, 32 Anthony Drive, Londonderry, NH 03053

Dear Commissioners,

I am sorry that I did not have a chance to be heard. My role is leaving. Here is my statement.

from Mont Vernon.

tonight.

Hello, I'm Barbara McKusick Liscord. I want to thank each of you for listening for serving on this Marriage Commission and holding hearings around the state. I speak to you this evening as a minister, serving with the Unitarian Universalist Congregation in Milford. For many years now, I have officiated at dozens of weddings for couples, who have made the personal, private decision to affirm their commitment to share their lives in a spiritual ceremony witnessed by family and friends. All couples, regardless of their gender, go through pre-marital counseling. They express and live out their commitment to share their lives through thick and thin. They promise to learn and grow together and to do all the compromising that any of us must do to make a life-long relationship last. For some of those couples, I also serve the civil function of signing and filing marriage licenses. Yet other couples are denied the full legal rights of marriage. <sup>because</sup> The only reason, of course, is that each member of each of those couples is of the same gender. ~~Despite my best efforts as a minister in pre-marital counseling and on-going support of that couple in the life of our congregation,~~ Their family life is severely compromised because these couples do not have the same legal rights as the other couples. They yearn to care for their partners in the ways their marriage vows promise- to care for each other through sickness and health, through economic hardships and good times, to be a good parent~~s~~ to their children. As a minister, I am deeply concerned about the health of our families and believe that they should be given all the support we can give them- the least we can do is give the same legal rights of marriage to all couples.

In addition to my role as a minister, I also want to speak as a woman ~~having been married to the same man for almost 29 years. For years now,~~ <sup>and</sup> ~~we~~ <sup>My husband</sup> have learned much from our gay friends in life-long committed partnerships. When we might be tempted to take our marriage for granted, they remind us of how precious marriage is- as expressed in the legal rights we enjoy, but are denied to them- family health insurance coverage, hospital visitations, sharing a family name and inheritance and pension rights.

Life is difficult and many of us yearn for a companion to share our lives with. That companionship should have all the legal rights we have come to expect in a life-long committed relationship- regardless of the gender of the individuals making that commitment. I urge you to work for the necessary changes to create marriage equality.

Thank you.

Rev. Barbara McKusick Liscord  
24 Old Amherst Rd.  
Mont Vernon, NH 03057  
603-673-1870

Good morning Chairman Soltani and members of the Commission.

My name is Pauline Chabot, daughter and granddaughter of French-Canadian Americans all born in Manchester. I grew up in Wilton NH where my Republican father Paul Chabot worked for Whiting Milk and Abbot's Woolen Mill and my mother raised 9 kids. I had a large Union Leader paper route with my siblings and learned how to work hard from both of my parents (now 88 & 87). All of my relatives in Manchester had large families. No one got divorced or admitted they were different back then. Because of my education at Rivier College, I learned to make honest choices with my life.

On April 1, Gail Morrison & I celebrated our 23rd anniversary of our life together.

I now live in Tilton, NH where Gail & I have owned a home since 1986. We have helped raise each other's children, all four of whom are grown and married. We have helped plan and have participated in all four weddings in the manner of blended families. Gail was the Justice who married my son Eric Tanguay and his wife, Liza.

We do not have a dramatic story of life and death, but a story of systemic denial by society and this state that has left us toward the end of our careers economically drained second class citizens. Our savings would be intact, had they been protected as they are for the married.

I am a state employee and state employees can get health insurance for their families. Gail had to spend her savings on health insurance between jobs and also had to pay for insurance while working for a nonprofit a few years ago. If we were married, she would have been on my plan. I in fact did apply for partner insurance under our current SEA contract in 2001, but was denied the insurance.

This cost our family over \$10,000.00.

And, as joint owners of our home, if one of us requires medicare for longterm care, under the newly proposed medicare rules, there is no protective wall for a spend down as there is for spouses. The whole house is treated as the property of the other with no shelter as there is for a married spouse. Should that occur, one of us would be left homeless. If both of us require nursing home care, we face being separated, as only married couples have the right to be together in such a situation.

We ask the State of NH to issue marriage licenses and extend the benefits and responsibility of marriage to same sex couples. We are part of the fabric of New Hampshire and of society and should be recognized as such.  
(Pauline Chabot, 234 Sanborn Rd, Tilton NH)

# 43

Statement to the NH Marriage Commission

Keene, NH

July 25, 2005

Penny Culliton, Temple

Same-gender marriage would in no way threaten opposite gender marriage. I've been in a heterosexual marriage form 18 years now, and if any of my gay or lesbian friends in NH were able to marry their beloved partners, it would not impact my marriage in any way.

The simplest way for the state to grant equal rights to its gay and lesbian citizens would be simply to remove the wording in the current NH statutes that says a man cannot marry another man nor a woman marry another woman. The feelings that same-gender persons have for their life partners are the same as those opposite-gender couples have for each other, and it has never (and I mean NEVER, since the time I was a little girl and my great-grandmother who raised me told me that some men loved other men the way most men loved women), it has NEVER made sense to me that same-gender couples are not allowed to marry under civil law. Whom religious institutions choose to marry is totally their own affair, and they could never under our legal system be forced to marry couples whom they did not want to marry.

But as things stand right now, the state refuses to validate any same-gender marriages my pastor, for example, the pastor of an Open and Affirming United Church of Christ, performs, while the state will recognize the opposite gender marriages he performs. The state will apparently recognize ALL the marriages performed by many other denominations, but only SOME of the ones performed by mine. My marriage was performed by a UCC pastor and is recognized by the state of NH, but if I were half of a same-gender couple, it would not be. Somehow, this seems completely un-American to me, that the state would support the doctrine of some churches over others.

Finally, I believe the state of NH should avoid passing legislation that puts same-gender marriage in a separate category from opposite-gender marriage – for example, civil unions or domestic partnerships. To do so would create unnecessary, complex legislation (which no one wants or needs), and it would continue to put our gay and lesbian citizens into a second-class category. I strongly recommend legislation that would simply remove the wording in the current NH statutes that says a man cannot marry another man nor a woman marry another woman.

Good evening Commissioners. Thank you for inviting me to give testimony.

My name is Dennis Bobilya. I am a Professor in Biological Sciences at the University of New Hampshire. However, my testimony is my own and I am not speaking on behalf of the University.

I was asked to share some scientific insights on the controversy regarding the biological basis of homosexuality. The question most commonly asked is: "Does genetics or the environment cause homosexuality". This is sometimes called the nature vs nurture debate. Put another way, is homosexuality biologically determined? Or, is it learned through social experiences?

I will briefly review some of the scientific evidence in this field of biology. I will not attempt to comment on every study on this topic, but will confine myself to a few studies that I believe were most reliably performed, provided genuinely useful information, and were published in the scientific peer-reviewed literature. First, I will describe the widespread practice of homosexuality in nature. Then, I will describe some of the research that explores the biological basis of homosexuality in humans. You should be forewarned that the some of my biological descriptions will be sexually graphic, but I have tried to keep that to a minimum and I hope it does not offend anyone. I would like to apologize in advance, if it does.

First, I'd like to make a few comments on the biological terminology of this topic. Homosexuality refers to the emotional and erotic attraction to individuals of the same gender (1). Sexual activity is one behavior that results from same-sex attraction, but it is not the only one. Expressions of attraction also include courtship rituals, affectionate touching, pair-bonding, and parenting. Heterosexual relationships are generally considered to be more than just sexual; they are usually thought to be fulfilling and satisfying personal relationships based on love and devotion, through which individuals increase their satisfaction and meaning in life (2). Like relationships between heterosexuals, many aspects of homosexual relationships include behaviors that have

nothing to do with the genitals, but involve expressions of loving affection and commitment.

Additionally, the terms homosexuality and heterosexuality imply that the world is split into a dichotomy: us or them. But, the evidence clearly indicates that there is a broad spectrum of romantic attraction and sexuality that occurs naturally. Sexual orientation is best described as a continuum, with some individuals being exclusively heterosexual, others being exclusively homosexual, and lots of people in the middle that have a combination of feelings (3-5). This includes bisexuals, who have an equal likelihood of being romantically attracted to individuals of the same sex, or the opposite sex.

Many people believe that homosexuality and bisexuality do not occur in nature. In fact, homosexuality and bisexuality are widely practiced in the Animal Kingdom. However, this fact is rarely discussed. So, it is easy to see why many people are misinformed.

An excellent resource for this topic is the scholarly textbook written by Dr. Bruce Bagemihl that is titled *Biological Exuberance* (6). The incredible diversity of sexual relationships in nature is thoroughly documented. He describes hundreds of species that have been observed engaging in homosexual behavior. Allow me to share a few examples:

One of the more interesting examples is the Black Swan (6). Some male Black Swans will form long-term partnerships with another male Black Swan. The male pair will engage in courtship dances and simulate copulation. During the breeding season, male pairs of black swans will temporarily associate with a female swan and then the male pair will raise the offspring on their own. Homosexual male pairs of black swans are actually much more successful parents than heterosexual pairs of swans. On average, about 13% of the couples are male pairs, and they account for 25% of the successful swan families.

Penguins are another species worth noting (6). Male penguins sometimes establish same-sex relationships that are monogamous and long-term. Like heterosexual penguins,

same-sex pairs usually remain together until the death of one of the partners. They spend much of their time close together, often touching. They engage in courtship and bonding rituals. They take turns mimicking copulation with each other, with the genitals of both penguins in contact. They also usually live together in a nest they have built together.

Bighorn Sheep of the Rocky Mountains live in what has been described as “homosexual societies”, where same-sex courtship and sexual activity occur routinely among all rams (6). Courtship includes licking and nuzzling around the face and genital areas. They engage in sexual activity that involves mounting and anal intercourse. Female Mountain Sheep also occasionally participate in sexual activity with one another.

Pairs of male dolphins will sometimes show a great deal of affection toward one another (6). They will swim side-by-side and engage in flirting behavior. Homosexual activity that has been frequently observed among dolphins includes oral sex, as well as homosexual intercourse.

Chimpanzees, a species that is genetically and biologically very similar to humans, have one of the most varied and extensive repertoires of homosexual practices found in any animal (6). Virtually all chimps are bisexual, and some have a distinct preponderance toward homosexuality. Homosexual encounters account for almost half of all sexual interactions, most of it between females. Female chimps will cling together and rapidly rub their genitals against one another. Their facial expressions, vocalization, and genitalia indicate the females are enjoying intense pleasure – and probably orgasm – during their homosexual interactions. Female chimps form strongly bonded, enduring relationships that are fostered by sexual interactions, as well as social interactions such as mutual grooming, play and food-sharing. Male chimps will also mutually stimulate each others’ genitals and engage in oral sex, or fellatio. Occasionally, they will even manually masturbate one another.

These are examples from a few representative species, but homosexual and bisexual activity has been observed in hundreds of different species. I trust the examples I have



provided are sufficiently representative to demonstrate that homosexuality occurs widely in nature.

Some people might think that homosexuality is an evolutionary paradox: Why does same-sex activity persist – reappearing in species after species, generation after generation, individual after individual – when it does not result in procreation? The likely explanation is that these people probably think that reproduction is the be-all and end-all of biological existence. However, animal life and sexuality are not organized exclusively around procreation. Non-reproductive heterosexuality has been observed in nearly every animal species, far exceeding the incidence of homosexuality (6). There is no significant impact on the persistence of a species if a portion of the population does not engage in reproductive heterosexual activity. It occurs quite commonly.

In summary, homosexual behavior is common in the Animal Kingdom. Sexuality appears to be very fluid for many species, with individuals engaging in predominantly homosexual activity at one point in their lives, and then being predominantly heterosexual in another time – with no fixed pattern that all members follow within or between species. In other species, a minority of the population is exclusively homosexual for their entire lives.

Now, I'd like to move into the realm of the biological basis of same-sex attraction in humans. Is homosexuality a choice? Or are homosexual attractions innate? Does nature or nurture - genetics or the environment - determine a person's sexual orientation?

There is a growing body of evidence that same-sex attraction is biologically determined and not amenable to change. We don't know the complete explanation of why some individuals have a tendency to be romantically attracted to persons of the same sex, while others are attracted to individuals of the opposite sex. But, there is clearly a biological foundation to a person's sexual orientation.

The role of genetics is best demonstrated by the remarkably high percentage of genetically identical twins who share the same homosexual attractions (7,8). The researchers found that the likelihood of a gay man having a genetic twin who is also gay was 52%. This is much greater than in non-twin siblings (rate was 9%) or the general population. A similar study in women found similar results: The likelihood of a lesbian having a genetic twin who is also lesbian was 48% (9). This high rate of genetically identical twins having the same sexual orientation has been recently confirmed in a larger study (10). However, environment must play some role, since not all the genetic twins had the same sexual orientation. The evidence indicates that some hormonal effects may be involved during pregnancy or during infancy, though no proof of this exists (11). Any hormonal effect appears to be subtle, as endocrine disorders are not common in homosexuals or their mothers (12). Maternal hormones are, of course, an important part of the biological environment of the fetus.

So, the evidence indicates there is a strong genetic influence. Will a "gay gene" ever be identified? I doubt this very much. No other complex behavioral characteristic can be explained by one gene, so why should this be true for romance? Nevertheless, some genes have been identified which are more prevalent in gays (13). And, an elevated rate of homosexuality has been observed in the maternal line of homosexuals (13,14). Most researchers now accept that many people do not fit into the simple categories of homosexual or heterosexual. Sexual orientation is a continuum (3,5). Genetic traits that are expressed on a continuum of values are usually the result of many genes, with each gene having relatively minor influence (15). Thus, sexual orientation is likely to be influenced by a combination of several genes acting together.

The current evidence suggests that some combination of genetics and maternal hormones establishes an individual's predisposition. The infinite number of combinations of these genes and hormones is what produces the fabulous diversity that exists within the human species. The cultural environment and social experiences may impact how these innate feelings are expressed. There are many people who identify as bisexual, or they change their orientation as they age (2,16). Cross-cultural and historical evidence indicates that

for most of human history, bisexuality was the norm (17-19). Even today, most homosexual behavior is exhibited by people who don't consider themselves homosexual (20,21).

Some people might consider homosexuals to be biological mistakes because they do not produce offspring. But, that idea assumes that breeding is the only purpose for romantic attraction. There are many other benefits of sex, such as demonstrating one's passionate affection for another or expressing commitment to a relationship.

In conclusion, homosexual behavior is as natural as heterosexual behavior. Both occur naturally throughout the world in many different species. Same sex attraction clearly has a biological basis, though its precise explanation remains elusive at this time.

### References

1. Muscarella, F., Fink, B., Grammer, K. & Kirk-Smith, M. (2001) Homosexual orientation in males: evolutionary and ethological aspects. *Neuro Endocrinol Lett* 22: 393-400.
2. Gabard, D. (1999) Homosexuality and the Human Genome project: Private and public choices. *J. Homosexuality* 37: 25-51.
3. Kinsey, A. (1948/1998) *Sexual Behavior in the Human Male*. Indiana University Press, Bloomington, IN.
4. Fergusson, D., Horwood, L., Ridder, E. & Beautrais, A. (2005) Sexual orientation and mental health in a birth cohort of young adults. *Psychol Med* 35: 971-981.
5. Haslam, N. (1997) Evidence that male sexual orientation is a matter of degree. *J Pers Soc Psychol* 73: 862-870.
6. Bagemihl, B. (1999) *Biological Exuberance: Animal Homosexuality and Natural Diversity*. St. Martin's Press, New York.
7. Pillard, R. & Bailey, J. (1998) Human sexual orientation has a heritable component. *Hum Biol* 70: 347-365.
8. Bailey, J. & Pillard, R. (1991) A genetic study of male sexual orientation. *Arch Gen Psychiatry* 48: 1089-1096.
9. Bailey, J., Pillard, R., Neale, M. & Agyei, Y. (1993) Heritable factors influence sexual orientation in women. *Arch Gen Psychiatry* 50: 217-223.

10. Kendler, K., Thornton, L., Gilman, S. & Kessler, R. (2000) Sexual orientation in a U.S. national sample of twin and nontwin sibling pairs. *Am J Psychiatry* 157: 1843-1846.
11. Bocklandt, S. & Hamer, D. (2003) Beyond hormones: a novel hypothesis for the biological basis of male sexual orientation. *J Endocrinol Invest.* 26(3 Suppl): 8-12.
12. Mustanski, B., Chivers, M. & Bailey, J. (2002) A critical review of recent biological research on human sexual orientation. *Annu Rev Sex Res* 13: 89-140.
13. Hamer, D., Hu, S., Magnuson, V., Hu, N. & Pattatucci, A. (1993) A linkage between DNA markers on the X chromosome and male sexual orientation. *Science* 261: 321-327.
14. Camperio-Ciani, A., Corna, F. & Capiluppi, C. (2004) Evidence for maternally inherited factors favouring male homosexuality and promoting female fecundity. *Proc Biol Sci* 271: 2217-2221.
15. Nabholz, C. & von Overbeck, J. (2004) Gene-environment interactions and the complexity of human genetic diseases. *J Insur Med* 36: 47-53.
16. Garber, M. (1995) *Vice Versa: Bisexuality and the Eroticism of Everyday Life.* Simon & Schuster, New York.
17. Muscarella, F. (2000) The evolution of homoerotic behavior in humans. *J. Homosexuality* 40: 51-77.
18. Kirkpatrick, R. (2000) The evolution of human homosexual behavior. *Curr. Anthropol.* 41: 385-414.
19. Rust, P. (2002) Bisexuality: the state of the union. *Annu Rev Sex Res* 13: 180-240.
20. Ross, M., Mansson, S., Daneback, K. & Tikkanen, R. (2005) Characteristics of men who have sex with men on the internet but identify as heterosexual, compared with heterosexually identified men who have sex with women. *Cyberpsychol Behav* 8: 131-139.
21. Kinnish, K., Strassberg, D. & CW, T. (2005) Sex differences in the flexibility of sexual orientation: a multidimensional retrospective assessment. *Arch Sex Behav* 34: 173-183.

# 27

Julie Dickson

Good evening, and thank you for this opportunity to speak.

*I am a religious person. My Unitarian-Universalist religious faith leads me to believe in the worth and dignity of all people. As such, I support marriage by same sex couples as both a civil institution and a religious institution.*

*I would not, however, ever seek to impose my religious views on others by suggesting that other religious bodies recognize gay unions. We are a pluralistic nation. We hold many different beliefs and come from many different cultural and religious traditions. Different religious traditions hold different views – There is not one single truth, and there are many paths to follow to seek a life which is good.*

*I do not support <sup>the</sup> political agenda ~~advanced by religious groups~~ to impose narrow religious views which limit the civil rights of some citizens.*

*Every citizen entering into a committed, loving relationship should have the civil rights that marriage provides. Each religious body may determine which union it blesses, based on its religious doctrine. These are different actions and one should not influence the other.*

## Testimony of Jeffrey A. Jones to SB427 Marriage Commission

Thank you Chairman Soltani, members of the Same-sex Marriage Commission, and members of the community who showed up to participate in this important dialog. I am glad that New Hampshire is proactively assessing the implications of same-sex marriage to its citizens.

We should all agree on the central importance of marriage within our legal and social structures. The family unit is basic to society and marriage law strengthens families, regardless of who heads those families. Furthermore, families headed by same-sex couples have always existed throughout this state, and they will continue to be created regardless of this commission's recommendations.

The question now is this: Does protecting families headed by same-sex couples through marriage strengthen or weaken society? The simplistic view—to which I subscribe—is that all families contribute to society and, therefore, strengthening any family strengthens society.

Would extending the rights and responsibilities of marriage to committed same-sex couples somehow weaken straight marriages? Same-sex couples share the same reverence for marriage as straight couples. Indeed, the desire to marry stems from that reverence as well as the need for legal protections. Recognizing same-sex unions will neither lessen any other couple's commitment to each other nor introduce any new challenges to that couple. Pride in their accomplishments together will continue to bless all couples.

Should religious condemnation of homosexuality preclude civil recognition of same-sex unions? Although some religions denounce homosexuality, many others celebrate and support same-sex unions. The commission can protect both individual and religious freedom only by granting legal protections to same-sex couples, simultaneously allowing churches to continue in their own beliefs.

Should the inability to procreate without intervention preclude participation in the rights and responsibilities of marriage? No straight couples are refused marriage licenses based on infertility. This proposed test is being applied discriminatorily toward only one minority. Many families headed by same-sex couples, moreover, are already raising children. Same-sex couples will continue to raise children for a variety of reasons, regardless of what this commission recommends. Their children deserve the benefits that accrue to legally protected families.

Is homosexuality a choice that will be made more attractive if society recognizes same-sex unions? Gay relationships assuredly suffer the same challenges and disappointments that straight relationships suffer. Nothing about homosexuality would attract individuals who were not, themselves, homosexual. Recognition of same-sex unions, however, will bring more stability, assurance, and self-respect to gay and lesbian partners.

SB427 charged this commission with studying the impact of extending marital law to same-sex couples. We should enumerate and examine each law, asking the following questions:

- 1) Does granting this right or responsibility to same-sex couples weaken any other family?
- 2) Is society better off when same-sex couples are denied recognition of this right or responsibility?
- 3) Should this right or responsibility be denied to any loving, committed couple?

The objective answers to the above questions will invariably be "No." Same-sex couples should bear the same responsibilities to each other and to their families as straight couples. And their families deserve equal benefits.

Thank you again for studying this important matter. I pray that you will pursue the issues thoroughly and objectively. As you do so, you will realize that society will be strengthened by including same-sex couples under the umbrella of marriage. Thank you for hearing my testimony.

NH's motto, "Live Free Or Die," means different things to different people. What it means to me is that people have an entitlement to privacy and a right to be left alone to do whatever they want to do in this privacy. If the state had nothing to do with marriage then I believe there would be no further issues.

Unfortunately, marriage and the state are intimately intertwined. Marriage is associated with over 1,000 benefits, rights, and protections that federal law affords to married, heterosexual couples and denies to same-sex couples. In addition, hundreds of such protections are denied at the state level. I am sure you will hear testimony tonight from those whose protections and rights have been denied through the discriminatory work of the law.

Why is this true? It is an anachronism left behind as society has changed. During my memory whites and blacks were prevented from marrying in certain parts of our country. When I was a child whites and blacks could not drink out of the same public drinking fountain or use the same public toilets in a university town in Tennessee. These practices, like racially exclusionary housing agreements, have been driven out of our country by the courts and finally by legislation and by changes in public consciousness.

There are those who claim that "right-thinking" people cannot possibly condone same-sex marriages – that God is offended or that the Bible declares it immoral. Just like the pattern of stars in the sky, the Bible can be read in a variety of ways. Who is to say that my way is better than your way? And I have come here to say that my religious denomination, the Unitarian Universalist Association, of which I am the NH Social Responsibility Chair, has testified:

***Laws aimed at discriminating against bisexual, gay, lesbian, and transgender people are affronts to all people, no matter their sexual or gender orientation. These laws have been used to separate and divide us from one another; their intent is to support discrimination and make some people in our country second-class citizens.***

***Unitarian Universalism's support for bisexual, gay, lesbian, and transgender rights goes back ... to 1970. We have advocated for nondiscrimination and hate crimes legislation; we have performed ceremonies of union; and we are working for the legalization of same-sex marriage. (President Reverend Bill Sinkford, 2003)***

**Doug Grant  
Littleton NH 03561  
doug@doug-grant.us**

**McDonnell, Dorothy**

---

**From:** Mooney, Maureen  
**Sent:** Saturday, June 25, 2005 6:16 PM  
**To:** McDonnell, Dorothy  
**Subject:** FW: Fw: SB 427 Commission Hearing in Portsmouth

Please print for file. Thanks!

---

**From:** Donna Schlachman [mailto:schlbeck@comcast.net]  
**Sent:** Sat 6/25/2005 5:58 PM  
**To:** MaureenCM@aol.com  
**Subject:** Re: Fw: SB 427 Commission Hearing in Portsmouth

Dear Rep. Mooney,  
Below are copies of both letters that were submitted by me during the hearings prior to the vote on SB 427. Thank you for the opportunity to submit them to the Study Commission.  
Sincerely, Donna Schlachman

Donna Schlachman  
2 Langdon Avenue  
Exeter, NH 03833

February 17, 2004

Senator Andre Martel, chair  
Public Institutions, Health and Human Services Committee  
NH Senate  
Concord, NH 03301  
re: SB 427

Dear Senator Martel,

I understand that Senate Bill 427 aims to reinforce that idea that legal marriage is to be between one man and one woman, and it further requires that New Hampshire not recognize marriages, civil union, or other marriage-like contracts between same sex couples, which are legal in other states.

I cannot fathom what possible purpose this bill has other than to codify discrimination and to say to thousands of children living in loving homes with same-sex parents that they are illegitimate, do not matter, and are not entitled to the legal protections that their friends, classmates, church school friends, and others who live in dual-sex families enjoy.

I have been married to the same man for almost 35 years, and am the mother of three "straight" young adults. Is this legislation for our benefit? Is it somehow meant to protect families such as mine, or to make families like mine more important than other families? Good grief, I hope not. I would hope that its sponsors did not have us in mind in proposing such bigotry.

Please take time to read (below) a copy of David Brook's Op-Ed piece from last November. He is much more eloquent than I in advocating for justice.

6/27/2005



Since this is clearly not a "conservative" versus "liberal" political issue, I have to conclude that the sponsors of this legislation are either misguided or promoting personal religious agendas. In the latter case, they are violating the trust the public has placed in them by not separating church from state. I ask that you not support SB 427. Thank you

Sincerely,

Donna Schlachman

**Gay Marriage: Pro and Con  
Op-Ed: The Power of Marriage**

**By David Brooks**

Originally published in the New York Times

November 22, 2003

Anybody who has several sexual partners in a year is committing spiritual suicide. He or she is ripping the veil from all that is private and delicate in oneself, and pulverizing it in an assembly line of selfish sensations.

But marriage is the opposite. Marriage joins two people in a sacred bond. It demands that they make an exclusive commitment to each other and thereby takes two discrete individuals and turns them into kin.

Few of us work as hard at the vocation of marriage as we should. But marriage makes us better than we deserve to be. Even in the chores of daily life, married couples find themselves, over the years, coming closer together, fusing into one flesh. Married people who remain committed to each other find that they reorganize and deepen each other's lives. They may eventually come to the point when they can say to each other: "Love you? I am you."

Today marriage is in crisis. Nearly half of all marriages end in divorce. Worse, in some circles, marriage is not even expected. Men and women shack up for a while, produce children and then float off to shack up with someone else.

Marriage is in crisis because marriage, which relies on a culture of fidelity, is now asked to survive in a culture of contingency. Today, individual choice is held up as the highest value: choice of lifestyles, choice of identities, choice of cellphone rate plans. Freedom is a wonderful thing, but the culture of contingency means that the marriage bond, which is supposed to be a sacred vow till death do us part, is now more likely to be seen as an easily canceled contract.

Men are more likely to want to trade up, when a younger trophy wife comes along. Men and women are quicker to opt out of marriages, even marriages that are not fatally flawed, when their "needs" don't seem to be met at that moment.

Still, even in this time of crisis, every human being in the United States has the chance to move from the path of contingency to the path of marital fidelity — except homosexuals. Gays and lesbians are banned from marriage and forbidden to enter into this powerful and ennobling institution. A gay or lesbian couple may love each other as deeply as any two people, but when you meet a member of such a couple at a party, he or she then introduces you to a "partner," a word that reeks of contingency.

You would think that faced with this marriage crisis, we conservatives would do everything in our power to move as many people as possible from the path of contingency to the path of fidelity. But instead, many argue that gays must be banished from matrimony because gay marriage would weaken all marriage. A marriage is between a man and a woman, they say. It is women who domesticate men and make marriage work.

Well, if women really domesticated men, heterosexual marriage wouldn't be in crisis. In truth, it's moral commitment, renewed every day through faithfulness, that "domesticates" all people. Some conservatives may have latched onto biological determinism (men are savages who need women to tame them) as a convenient way to oppose gay marriage. But in fact we are not animals whose lives are bounded by our flesh and by our gender. We're moral creatures with souls, endowed with the ability to make covenants, such as the one Ruth made with Naomi: "Where you

go I will go, and where you stay I will stay. Your people will be my people and your God my God. Where you die I will die, and there I will be buried."

The conservative course is not to banish gay people from making such commitments. It is to expect that they make such commitments. We shouldn't just allow gay marriage. We should insist on gay marriage. We should regard it as scandalous that two people could claim to love each other and not want to sanctify their love with marriage and fidelity.

When liberals argue for gay marriage, they make it sound like a really good employee benefits plan. Or they frame it as a civil rights issue, like extending the right to vote.

cc: Senators Boyce, Estabrook, Kenney and O'Hearn

Donna Schlachman  
2 Langdon Avenue  
Exeter, NH 03833

April 1, 2004

Judiciary Committee  
NH House of Representatives  
Concord, NH 03301

Dear Honorable House member,

I am sending this letter to all of the members of the House Judiciary Committee to express my concerns regarding Senate Bill 427. The same concerns were shared with my State Senator and the Senate committee during their process in February. I am hoping to find that New Hampshire House members will act with more insight and see this bill, as I do, as an attempt to further codify the discrimination. Given the laws already on the books, It is an unnecessary piece of legislation, it will certainly cost the state huge legal fees trying to defend it, and it will undermine progress that has been made in the work place to provide benefits to families throughout New Hampshire.

When I went to the Senate hearings, the testimony in favor of this legislation seemed to be concerned with protecting the "sanctity of marriage". Aside from the fact that it is religious institutions which "sanctify" marriage, not civil structures, I do not believe that the sanctity of my 35 year marriage is threatened by recognizing other couples living in loving committed relationships. I do not believe that heterosexual marriage is undermined by the notion of gay marriage. The 50% divorce rate among heterosexual couples is a complex issue which cannot be distilled by blaming a small segment of our population and passing laws to deny them rights. There are many other facets of of contemporary life, including things like the media's trivialization of all marriages in, for example, such television shows as The Bachelor and Joe Millionaire, which contribute. If the backers of this legislation were truly concerned about the divorce rate and families, I think they could take their fight elsewhere rather than panic about same-sex couples who wish to have the rights, responsibilities and protections that state recognition of their relationship would bring. Making the fight one of religious interpretation (as they did in the Senate hearings) violates the public trust and misunderstands the role of civil versus religious institutions in recognizing marriage contracts.

I believe that most of our elected officials serving New Hampshire do so out of a strong commitment to the public good. I hope that you will see this piece of legislation as misguided, not in the public interest, and will vote against it.

6/27/2005

Sincerely,

Donna Schlachman

On Thursday, June 23, 2005, at 08:42 PM, MaureenCM@aol.com wrote:

In a message dated 6/23/2005 8:34:57 P.M. Eastern Daylight Time, tsoltani@metrocast.net writes:

I am wondering,

- > however, if a letter I submitted to the committee last year prior to
- > the vote on SB 427 is part of the permanent record and available for
- > review by the committee? Please let me know. If it is not, I will
- > resubmit my opinion.

Dear Donna:

Please re-submit your letter for the Commission file. You can send it via email to me.

Thank you,

Rep. Mooney

---

**Hon. Maureen C. Mooney**

**N.H. State Representative, Hills. Co. District 19**

**P.O. Box 1676**

**Merrimack, NH 03054-1676**

**Concord Office: (603) 271-3184**

**Home Office: (603) 578-4890**

**Facsimile: (413) 828-5530**

**Email: [MaureenCM@aol.com](mailto:MaureenCM@aol.com) OR [Maureen.Mooney@leg.state.nh.us](mailto:Maureen.Mooney@leg.state.nh.us)**

6/27/2005

54  
TO WHOM IT MAY CONCERN:

My husband and I have three children, two are straight and one is gay. All THREE are married, only because our gay son has dual citizenship with Canada and America and married his long time partner in Ottawa in May 2005. Canada honors the love of a gay couple.

I feel that gay people deserve to be married in the States - to receive the respect of being a married couple and to receive over 1000 rights which come automatically to heterosexual couples. They are not second class citizens. They work hard and pay their taxes. Many contributions of gay people in USA history - artists, writers, composers, painters and politicians - have helped make this country great. No one has the right to deny them what every other US citizen gets - the right to be married.

Cynthia Sherman  
33 Christian #119  
Concord, NH 03301-6128  
603-223-6664  
cy.sherman1@verizon.net

#15

Roberta Barry  
170 Jordan Rd  
Keene, NH 03431

Tel: 603.352.6854  
E-mail: bbarry29@ne.rr.com



Parents, Family Friends of Lesbians And Gays

July 25, 2005

To the N.H. Commission studying marriage equality

I speak to you this evening on this matter of civil rights for my children. I am the mother of two children – one born straight and the other gay. I stress the word born because the fact is, one does not choose to be gay.

Forty years ago when my husband and I were married, our parents were not pleased. The reason was that he is Catholic and I am Protestant. I could not enter the alter area of St. Bernards Church, but it didn't matter to us then, nor does it matter now 40 years later. Our two children are healthy, happy, successful tax paying citizens. In recent years, we have attended many marriages in St. Bernards at which all religious denominations are welcomed on the alter in celebration of marriage. Such inclusion doesn't appear to have weakened the church, as Catholicism is one of the fastest growing religions.

Also, at that time in our history, black people and white people had just barely won the right to marry in the United States. Little did I imagine 38 years ago while watching the news coverage of Martin Luther King's assassination that I would need to stand here tonight and ask for civil rights for one of my children. The day Martin Luther King was shot was my young son's birthday party. I remember watching the news and thinking, thank goodness I live here in Keene where I won't have to deal with such inequalities. How naïve I was! Here I stand before you, asking for civil rights for this now grown up child as well as for all children who happen to have been born non-heterosexual.

I ask New Hampshire to step into the circle of other civilized governments that have passed marriage equality legislation. We need to join government leaders to the South in Massachusetts, our neighbor to the North in Canada, our neighbors to the East in Belgium, the Netherlands, and Spain who have passed laws that give full legal protection to gay couples.

I shall quote the Spanish Prime Minister, Jose Zapatero, "We are not legislating for people far away and not known to us. We are enlarging the opportunity for happiness to our neighbors, our co-workers, our friends, and our families at the same time we are making a more decent society, because a decent society is one that does not humiliate its members." The Canadian Prime Minister, Paul Martin, a Roman Catholic, supported marriage equality because he said, "In a nation of minorities, it is important that you don't cherry pick rights. A right is a right"

Let the church(s) retain their rights to say what sort of marriages they can conduct. Let the state retain the right to tell its civil officials what marriages they must honor. That Canada and Spain can understand this division of rights so thoroughly should be a lesson to lawmakers in the United States.

Sincerely,

*Roberta Barry*  
Roberta Barry, Northeast Regional Director for PFLAG  
170 Jordan Rd.  
Keene, N.H. 03431

May 31, 2005

Testimony Before NH Commission on Same Sex Marriage

Good evening, members of the commission. Thank you for coming to the north country. My name is Susan Bruce, and I live in Jackson, NH. I am employed by the NH Citizens Alliance, a group that works on social justice issues. I'm a member of the Unitarian Universalist Fellowship of the Eastern Slopes in Tamworth. We UUs have a long history of action on civil rights. I've been deeply and personally concerned with civil rights since I was a child growing up during the Civil Rights movement of the sixties. Social justice is not merely my vocation, it is also my avocation.

One of the objections that I've heard to same sex marriage is that it will "cheapen" or "ruin" heterosexual marriage. In the interest of full disclosure, I think it only fair to tell you that I am a heterosexual. I've been divorced twice. I can also assure the commission that homosexuals were not the cause of either divorce, however, if anyone cheapens the institution of marriage it's heterosexuals like me.

I don't understand why it is that I could leave here tonight, get thoroughly intoxicated, fly to Las Vegas in a blackout, and wed some guy I've never seen before – and I would be considered legally married. My friends JoAnne and Brenda have been together for over 20 years. My friends Ed and Les have been together even longer. They are denied the same legal right given to me, despite the fact that they've all shown far greater aptitude for marriage than I have. There is something intrinsically wrong with this picture. Section one of the 14<sup>th</sup> Amendment to the US Constitution guarantees us equal protection under the law. NH was the second state to ratify that amendment. In 1866 we thought it was important. Surely we still do, in 2005.

Marriage is a changing institution, and always will be – because we humans are constantly changing and so are our societies. In 1866 women were still the property of men. We went from being the property of fathers or brothers, to being the property of husbands. Marriage was the name given to that ownership contract. One reason marriage has changed so much is that women are no longer chattel, and no longer need the protection of the marital tie. No matter how much our world changes – there will always be people who get married. There will always be people who don't. As long as people want to make a commitment to one another, there will always be marriage. Those who have such great concern for the institution should consider same sex marriage a boon – because that means more marriages will be taking place – thereby strengthening the institution. We cannot legislate a single definition of what a family is. We cannot legislate who loves whom – nor should we. Love defies legislation.

Let me state clearly that what I want for my gay brethren is marriage. I would not force churches to marry anyone they chose not to, but I do not countenance the concept of civil union. We cannot be separate but equal. If I can be married, so should my gay friends. I

am not somehow magically more equal because I am a heterosexual. Heterosexuals have privileges we never consider. If one of us were incapacitated, our spouse could make our legal decisions for us. My gay friends have to plan for those contingencies far in advance, because often they are not accorded the same legal protections a spouse would receive. This lack of equal protection can cause unnecessary pain and suffering to families – and the bottom line is simple – it's not fair.

I hope that this commission will not be overwhelmed by hysteria or religious arguments. This is a straightforward issue of civil rights and equality for NH residents. NH believed in equal protection under the law when it ratified the 14<sup>th</sup> Amendment in 1866. It's time for NH in 2005 to summon up that same spirit and do what is right and just for all.

Susan Bruce  
PO Box 656  
Intervale, NH 03845  
(603) 383-8936

Mr. Chairmen and Commissioners:

Thank you for choosing Nashua as one of the sites for your public hearings on this important issue.

I speak today in support of the recognition in New Hampshire of same sex marriage and civil unions.

I have the very good fortune to be sharing a commitment in marriage with my husband of 18 years. With that experience, and remembering the love that led to that commitment, I cannot and will not sit in judgment of any person who loves someone of the same sex. Therefore, I do not object to any two folks who love each other and are willing to make this same commitment. Rather I, acknowledge, respect and celebrate their commitment as I do my own.

I *am* opposed to the growing intrusion into such private places as our bedrooms, our bodies, our deathbeds, and our hearts. A woman's right to choose, a cancer or AIDS patient's right to pain relief, and death with dignity – these rights are under attack. Counter to this trend, thankfully, is the growing recognition that same-sex marriages do *not* affect more traditional families. Government recognition of such marriages represents public recognition of pairings and families that already exist.

A narrow definition of family is no longer valid in 2005. Although it's difficult to zero in on exact statistics, it's fair to state that the mix-and-match composition of American families today has many versions. And I never thought I would include this name, but even WalMart, America's behemoth mainstream corporation, has changed its definition of "immediate family" in some states to include an employee's same sex partner.

Most people in a civil society live by a civil moral code with common denominators, which mostly decree what we *shouldn't* do. It does not tell us whom we should love or make lifetime commitments to.

It is my sincere belief that any two people who are willing to make the commitment of marriage should be recognized by the state and granted all the rights and privileges that the state confers on married heterosexual couples.

There is too much meanness and violence in our world to not allow love to flourish wherever it's found between consenting adults and to provide all couples all the legal rights that without question accompany heterosexual marriage.

Thank you.

*Rep. Suzanne Harvey  
Hillsborough District 21, Nashua Ward 2  
8 Crawford Lane  
Nashua, 03063*



## Testimony for the Marriage Commission

June 22, 2005  
Portsmouth, NH

Good evening: My name is Peggy Gage. I live in Exeter, NH and have been a member of Parents, Families and Friends of Lesbians and Gays (PFLAG) for over 10 years. I have served as the Northeast Regional Director for PFLAG for the last 6 years and am presently on their National Board. I serve on our National Nominating Committee.

I would like to make a very short statement to you fine persons. Back in 1997, we made the bold move of ending discrimination for the state's LGBT community. We passed HB 421. The vote in both houses was decisive. In the house it passed by a 205 to a 125 vote and in the Senate it was 13 to nine. We became the 10<sup>th</sup> state in the country to approve this measure. What we did was end discrimination in housing, jobs and public accommodations. A Republican House and Senate passed this.

As Deborah Pignatelli said as she brought the bill to the floor on behalf of the Senate's Internal Affairs Committee, "We live in a state with a motto 'Live Free or Die' which means different things for many persons. This is about freedom for our families, others and ourselves.

Given that New Hampshire now has on its books a definition of marriage as being between a man and a woman, the question asks itself: What in the name of God are you afraid of? As it currently stands, GLBT people cannot get married, but more than that they cannot legally take responsibility for their partners when they are in poor health among many other things we straight people take for granted. This is wrong and should be changed. Just as an example, why is it that I can see and conduct the affairs for my husband at his nursing home without being questioned while a gay man of my age cannot do the same for his life partner without being questioned? The world will not crash and burn around your heads if we institute these modest changes. Whatever you come up with, come up with it soon.

What you will do, however, is what we at National PFLAG are trying to get all the states to understand, that our GLBT family members and friends can and should have equal rights. No, not special rights as some of you might say: As the grand-daughter, daughter, wife and mother of attorneys I can assure you that they all laugh at this silly little nonsense phrase. The marriage ceremony is one thing; equal and reasonable treatment under the law is quite another.

Many years ago, Senator Clesson Blaisdell of Keene, NH argued that discrimination has no place in New Hampshire. As he said, "What God creates God does not hate."

Please do the right thing with this commission and bring a positive message home.

Statement to the N.H. Commission to Study Same Sex Marriage

By: Joan D. Reed, Bethlehem, NH

I am writing this as a mother. I have been blessed with three daughters and a son. We all grew up in a family that never experienced prejudice.

About seventeen years ago one of our daughters came to us individually and told us she was a lesbian. I think we probably all knew in our hearts. As her 80+ year old grandmother said to us at the time, "is she any different today than yesterday?" For us all, she was and is our remarkable daughter, granddaughter, sister and friend whose life has been dedicated to the service of the handicapped and retarded population. However, it was at this time that we all knew what prejudice meant.

Our daughter is in a committed Civil Union with a wonderful partner, and they have two amazingly secure and loving daughters. They have a strong extended family. They are great neighbors, workers, and members of their church community. Fortunately they live in a state where they are not "different" – just a committed family with the same rights as any other family. They did experience the unrest and prejudice while the issue of Civil Unions was being legislated in their state a few years ago – hatred was ever present. Today I doubt very much if you would find any of those feelings. The population found that gay and lesbian people just simply wanted the same rights as everyone else – nothing more, nothing less.

The one matter I find most upsetting is the reasoning that gays and lesbians choose their lifestyle. No one chooses to be ridiculed, excluded and despised for who they are. They are born that way and it is a lonely and many times despairing time in

their young lives as they come to grips with their sexuality. Their rate of suicide in the teen years is very high.

In closing, I can only say that God created our daughter to be the person she is, and I thank God for His beautiful creation.

Statement to the N. H. Commission to Study Same Sex Marriage

By

Leonard F.B. Reed, a Resident of Bethlehem, N. H.

America is "...The Home of the free and the brave..."

I am an American. I am a husband, father and grandfather. I love my family and I love my country. My wife and I have three daughters and one son. We have eight grandchildren. They all love each other. The families are close to each other. The cousins are real friends and I'm happy to say that they love their "poppy". They are all right-handed. I am left-handed. I grew-up at a time when parents and teachers tried hard to switch "lefties" to the right hand. It didn't work with me.

One of our daughters is lesbian. She did not choose to be, but she is. She is also the mother of two beautiful and talented daughters. She is a devoted partner in a civil union. She is a leader in her church, in the school where she works and in her neighborhood where she lives.

I believe that all human beings are born to be respected and to be treated equally. All Americans are meant to have the same rights and responsibilities.

My life was dedicated to public service. I was in the Army from 1950-1975. For 25 years, I was proud to have served and to have protected those rights from threats and attacks by hostile neighbors elsewhere in the world.

I am here now to say that I served and fought so that all rights and responsibilities will be shared by all Americans, whether they are left-handed or not.

Thank you for your consideration of my views.

-End -

Presented on May 31, 2005  
Littleton, N.H.

>> ARCHIVES >> BUSINESS >> ENTERTAINMENT >> HEALTH >> LIVING >> MAINE NEWS >> ONLINE ONLY >> PUBLIC RECORDS >> SPORTS >> TOURISM >> TRAVEL

Released MARCH 7, 2007

**\$199 & up** | Worldwide Spring Sale from 19 Cities (each way)  
British Airways

**\$279** | 5-Night Caribbean Cruise in April  
Royal Caribbean

# Seacoastonline

## PORTSMOUTH HERALD

>> SHOP THE COAST >> CARS >> CLASSIFIEDS >> DATING >> DINING >> GOLF >> JOBS >> LODGING >> REAL ESTATE >> YELLOW PAGES

Portsmouth Herald - Hampton Union - Exeter News-Letter - Dover Community News - Rockingham News - York County Coast Star - The York Weekly  
March 11, 2007 Advertise - Contact Info - Email Headlines - Home Delivery Specials - Place a Classified Ad - Submit Announcements - Site Map

Herald  
Today's News  
Back Issues

### Brand

ECCO USA - Official Site The Leader in Innovation & Comfort [www.eccousa.com](http://www.eccousa.com)

Ads by Google

Herald Records  
Birth Notices  
Editorials  
Honor Rolls  
Obituaries  
Milestones  
Police Logs

Print this Story Email this Story Discuss this Story

Quick Clicks  
Churches  
Club Listings  
Concerts  
Crossword  
Event Calendar  
Exhibits  
Legals  
Lottery  
Mortgage Rates  
Movie Times  
Site Search  
Theatre  
TV Times  
Weather

Marketplaces  
Cars  
Classifieds  
Dating  
Dining  
Golf  
Jobs  
Lodging  
Real Estate  
Shopping  
Skiing  
Yellow Pages

Sections  
Business  
Entertainment  
Health  
Home & Garden  
Living  
Maine News  
Online Only  
Public Records  
Sports  
Tourism  
Travel

## 'Equal marriage' is the right thing

The debate over the issues of civil unions and equal marriage has begun in Concord. For the first time, state legislators are confronting the legal, political and religious ramifications of what we consider a fundamental civil rights proposal. The debate in the coming weeks will no doubt be equal parts reasonable and emotional on both sides as proponents and opponents assert their beliefs that equal marriage is a basic civil right or a moral abomination.

While we respect the religious concerns of opponents, we believe the state has the obligation and the duty to pass laws that enhance the rights of all citizens. Why should a gay or lesbian who is a citizen in every sense of word and deed be denied the opportunity, the right accorded to heterosexual couples -- to legally share their lives with another?

We believe the time has come to realize there is no legal difference.

Since the first civil union law was enacted in Denmark in 1988, six countries have passed laws allowing equal marriage, including countries as diverse as Spain, South Africa and The Netherlands. Scores of countries have also enacted civil union legislation -- a legal designation that recognizes domestic partnerships -- including the states of Vermont, New Jersey, California, Connecticut, Hawaii, Maine and the District of Columbia.

Massachusetts is the only state that has enacted equal marriage legislation and the experience offers lessons about the controversy. Because the state Legislature did not address the issue, the state Supreme Judicial Court stepped in when equal marriage advocates filed suit. In November 2003, the court ruled it unconstitutional under the Massachusetts Constitution to allow only heterosexual couples to marry. Marriage licenses were issued the following May, and same-sex couples began to

Every Year. Every Make.  
Every Model.



**Add more lines for your family**

**only \$9.99** MONTHLY ACCESS

AFTER 2 LINES FOR \$69.99 MO. ACCESS; NEW 1 OR 2 YR. ACTIVATION AGMT. PER LINE REQD. ACTIVATION FEES, TAXES & OTHER CHARGES APPLY

**View Great Phone Offer**

LG UR8300

**FREE SHIPPING**

**Join In**

**Latest Poll**

**SHOULD PARENTAL NOTIFICATION LAW BE REPEALED?**

**Vote Now!**



Click Here  
to Receive  
Our Daily  
Headlines



HOME

marry.

The state did not force churches to offer marriage ceremonies outside of their traditions, but it did help define the reality that marriage is fundamentally a civil designation that can have a vital religious component. It has proved to be a positive affirmation of, to quote the Declaration of Independence, life, liberty and the pursuit of happiness. It has been an equally positive affirmation for the separation between church and state. The same can be said for our neighboring states of Maine and Vermont.

It is true that a majority of states have passed legislation banning equal marriage by designating the union between a man and a woman only, and there are advocates of a similar measure for New Hampshire. We believe that sooner or later these laws will be deemed unconstitutional, not unlike the Jim Crow segregation laws, including those banning biracial marriage, that were enacted to deny basic rights and opportunities to African-Americans after the Civil War -- many of which were justified on grounds of tradition and religion.

While we believe the state Legislature should pass full equal marriage laws, we support the important first step offered in the "spousal unions" legislation sponsored by Reps. James Splaine, D-Portsmouth, and Dana Hilliard, D-Somersworth. The proposal offers an alternative name for marriage and gives provisions for recognizing, documenting and dissolving the relationships.

We believe there is merit in the argument made by equal marriage proponents that such a designation smacks of second-calls status, but legislative progress on controversial social issues is rarely smooth or steady. The opponents of equal marriage believe such legislation is against their religious beliefs, will lead to a wide range of anti-social behavior that will erode family values, and are essentially special minority rights.

We believe there is, in fact, nothing special about equal marriage rights. It is fundamentally a civil rights issue that reflects the continual struggle of our democracy to widen the boundaries of liberty and tolerance.

— Herald Sunday



Print this Story



Email this Story



Discuss this Story

[Back to the Portsmouth Herald](#)

[Portsmouth Herald Home Delivery Best Offer](#)

**Marriage Records**

Use Your PC To Access Marriage Records.  
Find Any Marriage Record.

**Gay marriage**

Should gay marriage be legal? Weigh in on  
this important issue.

Ads by Goooooogle

Seacoast Online is owned and operated by Seacoast Media Group.  
Copyright © 2006 Seacoast Online. All rights reserved. Please read our  
Copyright Notice and Terms of Use. Seacoast Media Group is a subsidiary of  
Ottaway Newspapers, Inc., a Dow Jones Company.

**Featured Jobs**

**Controller**  
North Hampton, NH Durkee  
Personnel

**98 PROVENCE BISTRO**  
OGUNQUIT, ME Seacoast  
Careers Classified Ad

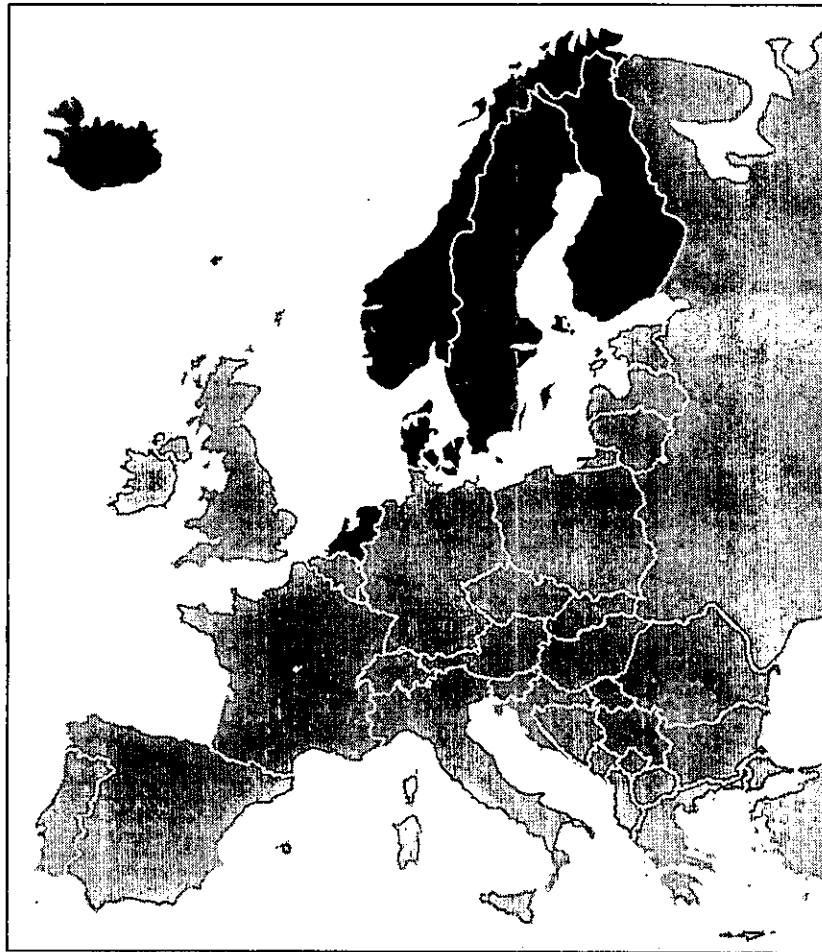
**The Cliff House Resort & Spa**  
Ogunquit, ME The Cliff  
House Resort & Spa

[More jobs](#)

# Will Providing Marriage Rights to Same-Sex Couples Undermine Heterosexual Marriage?

Evidence from Scandinavia and the Netherlands

FILE COPY



*A discussion paper  
prepared for the  
Council on  
Contemporary  
Families  
and for the  
Institute for  
Gay and Lesbian  
Strategic Studies*

By M. V. Lee Badgett, Ph.D  
Associate Professor, Dept. of Economics  
University of Massachusetts Amherst  
Amherst, MA 01003  
lbadgett@econs.umass.edu

July 2004

Since the November 2003 court ruling allowing same-sex couples to marry in Massachusetts, a new debate on expanding the right to marry has exploded across the United States. While the debate involves many issues, one particularly controversial question is whether heterosexual people would change their marriage behavior if same-sex couples were given the same marital rights and obligations.

As a way to understand what might happen, some writers have looked to the experience of those Scandinavian countries that have pioneered giving a marriage-like status to gay and lesbian couples. Denmark adopted such a “registered partnership” law in 1989, Norway in 1993, Sweden in 1994, and Iceland in 1996. Same-sex couples who register as partners in those countries receive most of the rights and responsibilities of marriage. Since then, three other countries (France, Germany, and Finland) have also created a new status for same-sex couples, and two (the Netherlands and Belgium) opened marriage to same-sex couples.

What can we learn from the experience of these countries about how giving gay couples the right to marry affects heterosexual marriage patterns? On the one hand, the fact that Danish marriage rates increased slightly after the passage of partner recognition laws has led some observers to conclude that gay couples are saving the institution of marriage.

On the other hand, Stanley Kurtz of the Hoover Institution claims that allowing gay couples to marry or have marital rights has undermined the institution of marriage in Scandinavia and the Netherlands.<sup>1</sup> This second argument has been widely reprinted and quoted around the country. However, the claim that giving marital rights to gay couples will undermine heterosexual marriage is based on the consistent misuse and misinterpretation of data.

The argument that same-sex partnerships undermine heterosexual marriage rests on four claims:

1. In the European countries that allow same-sex couples to register as partners, marriage and parenthood have become separated, and married parenthood has become a minority occurrence.
2. The separation of marriage and parenthood in those countries is disastrous for children because of higher rates of break-up among cohabitators.
3. Allowing gay marriage accelerates the separation of parenthood and marriage.
4. If the U.S. allows gay couples to marry, heterosexual people in the U.S. will adopt European-style family dynamics.

In fact, none of these claims fits the actual evidence of the Scandinavian and Dutch experience and the U.S. context. A closer look at the data reveals a very different picture:

- Divorce rates have not risen since the passage of partnership laws, and marriage rates have remained stable or actually increased.
- The majority of parents are married. The average Scandinavian child spends more than 80% of his or her youth living with both parents—more time than the average American child.
- Non-marital birth rates have not risen faster in Scandinavia or the Netherlands since the passage of partnership laws. Although there has been a long-term trend toward the separation of sex, reproduction, and marriage in the industrialized west, this trend is unrelated to the legal recognition of same-sex couples. Non-marital birth rates changed just as much in countries without partnership laws as in countries that legally recognize same-sex couples’ partnerships.



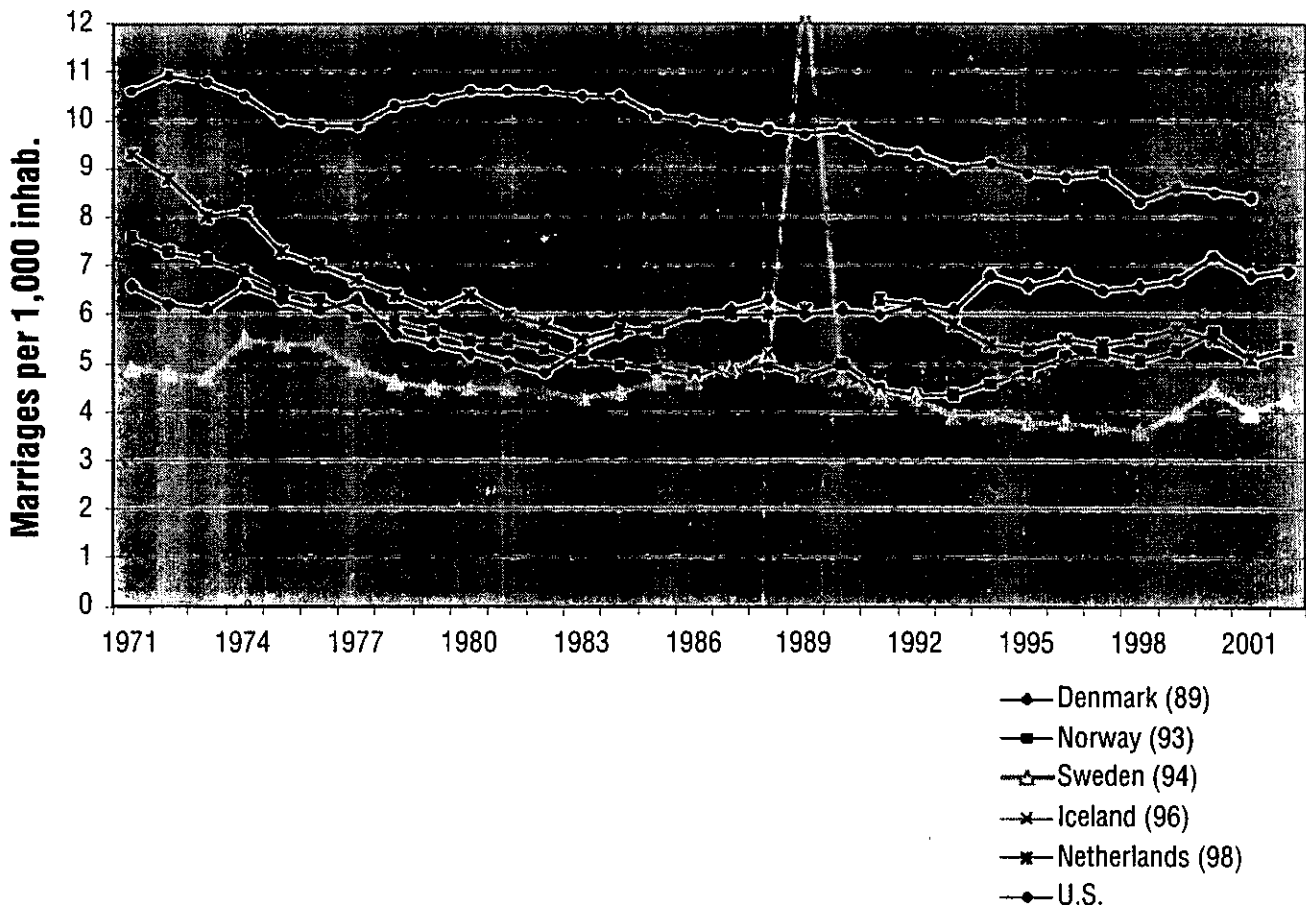
## Married parents are still the majority in Scandinavia

Marriage and child-bearing have become less directly connected over time in many European countries, including Scandinavia. But as we shall see, this separation hardly qualifies as the death of marriage, and it cannot be blamed on the passage of same-sex partner laws.

In fact, Denmark's longterm decline in marriage rates turned around in the early 1980's, and the upward trend has continued since the 1989 passage of the registered partner law (Chart 1). Now the Danish heterosexual marriage rates are now the highest they have been since the early 1970's. The most recent marriage rates in Sweden, Norway, and Iceland are also higher today than they were in the years before the partnership laws were passed. The slight dip in marriage rates in the Netherlands since 2001 is the result of a recession-induced cutback on weddings, according to Dutch demographers, and the actual number of marriages has gone up and down in the last few years, even before the legalization of same-sex marriage.<sup>2</sup>

No research suggests that recognizing same-sex couples' relationships *caused* the increase in marriage rates. But heterosexual couples in those countries were clearly not deterred from marrying by the legalization of same-sex couples' rights.

Chart 1: Marriage Rate Comparisons, 1971–2002



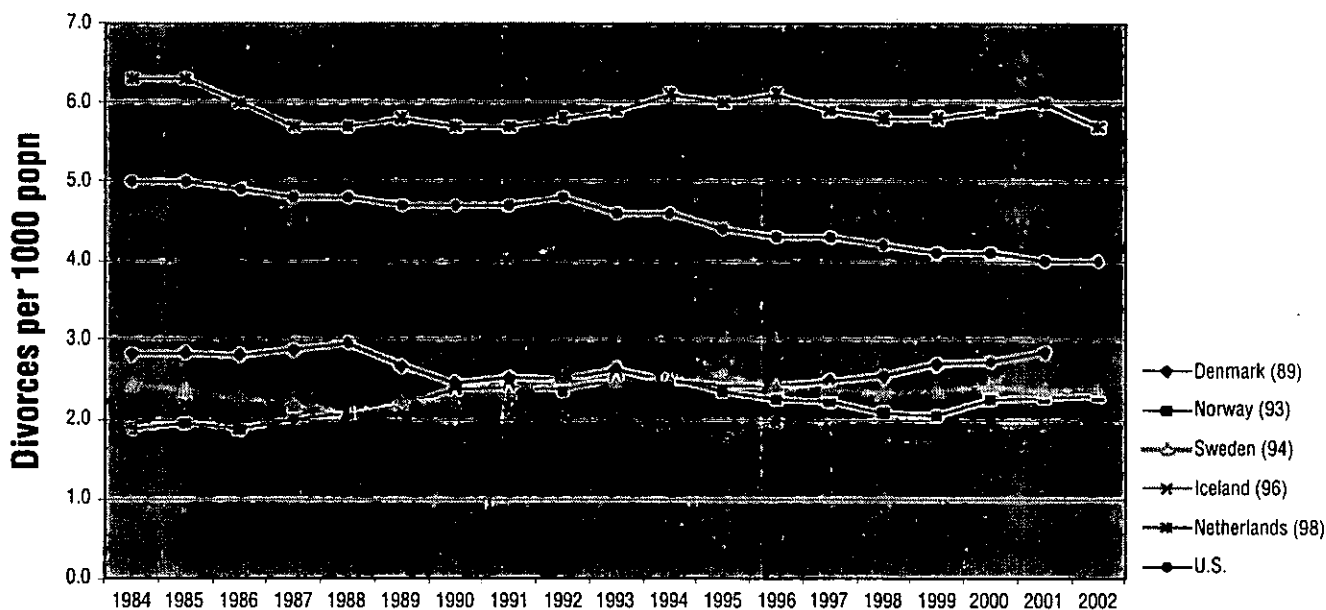
Divorce rates also show no evidence of harm to heterosexual marriage from partnership laws. Scandinavian divorce rates have not changed much in Scandinavia in the last two decades (Chart 2). Danish demographers have even found that marriages in the early 1990's appear to be more stable than those in the 1980's.<sup>3</sup>

Cohabitation rates are indeed on the rise, though, as is the likelihood that an unmarried cohabiting couple will have children. In Denmark, the number of cohabiting couples with children rose by 25% in the 1990s. Roughly half of all births in Norway, Sweden, and Denmark, and almost 2/3 in Iceland, are to parents who are not married. From these figures, Kurtz concludes that "married parenthood has become a minority phenomenon."<sup>4</sup>

In fact, however, the majority of families with children in Scandinavia and the Netherlands are still headed by married parents.<sup>5</sup> In 2000, for instance, 78% of Danish couples with children were married couples. If we also include single parent families in the calculation, almost two-thirds of families with children were headed by a married couple. In Norway, 77% of couples with children are married, and 61% of all families with children are headed by married parents.<sup>6</sup> And 75% of Dutch families with children include married couples. By comparison, 72% of families with children are headed by married couples in the United States.

How can this fact coexist with high nonmarital birth rates and cohabitation rates? The main reason is that in Scandinavia and the Netherlands most cohabiting couples marry after they start having children.<sup>7</sup> In Sweden, for instance, 70% of cohabiters marry after the birth of the first child, most of them within five years. In the Netherlands, while 30% of children are born outside of marriage, only 21% of children under one live with unmarried parents, and by age five, only 11% live with unmarried parents.<sup>8</sup> As a result, high rates of married couple parenting and rising marriage rates in Scandinavia are not incompatible with high nonmarital birth rates.

Chart 2: Divorce Rate Comparison, 1984-2002



## The impact on children

Kurtz claims that the rise in nonmarital births will hurt children since unmarried couples are more likely to break-up than married couples. And it is true that unmarried cohabiters' unions are more likely to dissolve in Scandinavia than are marriages, even when children are present. But when cohabiting parents marry in Scandinavian countries, as most eventually do, they are not more likely to divorce than are couples who were married when they had their children.<sup>9</sup>

As a result, children in Scandinavia countries still spend most of their lives with their parents living together.<sup>10</sup> In fact, they spend more time than kids in the U.S. do! Gunnar Andersson has calculated how much time the average child spent living with both parents in the same household in the 1980's, the most recent period that allows comparisons across countries.<sup>11</sup> Of the countries he examines, the lowest average is in the United States, where the time spent with both parents is 67%. The highest is in Italy, where it is 97%. In Sweden the average is 81%, in Norway it is 89%, and in Finland it is 88%. In other words, combining the time that parents are cohabiting and married demonstrates that children are spending the vast majority of their young lives with their parents in the Scandinavian countries.

## Did gay marriage widen the split between parenthood and marriage?

No one would argue that marriage plays the same role in Scandinavia and in other parts of Europe that it once did. And to his credit, Kurtz himself recognizes that changes in marriage in Scandinavia were in many ways cause rather than effect of the legal recognition extended to gay couples. Kurtz acknowledges that high rates of cohabitation and the changing role of marriage in Scandinavia probably made it more likely that those countries would be the innovators in giving marriage-like rights to gay people. The decline of religious practice and belief, the rise of the welfare state, advances in contraception and abortion, and the improving economic status of women—all long-term trends in Scandinavia and the Netherlands—probably contributed both to the rise in cohabitation and to the equalizing of rights for gay and lesbian people.

In a recent study, I compared the cohabitation rates (and other variables) in the nine countries that recognize same-sex partners with other European and North American countries that do not.<sup>12</sup> Cohabitation rates were higher in the partner recognition countries *before* the passage of same-sex partner laws. Since higher cohabitation rates came first, it would be inappropriate to blame partnership laws for more cohabitation.

But Kurtz also makes the subtler claim that registered partnerships "*further* undermined the institution" (his emphasis) and that "gay marriage has widened the separation" between marriage and parenthood.<sup>13</sup> In other words, things were already bad but gay marriage made it worse.

However, this argument does not hold up, either, since the nonmarital birth rate began rising in the 1970's, long before any legal recognition of same-sex couples, and it has actually *slowed down* in Scandinavia in recent years.<sup>14</sup> From 1970 to 1980, the Danish nonmarital birth rate tripled, rising from 11% to 33%. It rose again in the following decade, but by a much smaller amount, to 46% in 1990, before ending its climb. Denmark's nonmarital birth rate did not increase at all when the Danish partnership law was passed in 1989. In fact, it actually decreased a bit after that date!

Norway's big surge in non-marital births also occurred well before the passage of its registered partnership law in 1993. In the 1980's, the percentage of births to unmarried

parents rose from 16% to 39%. In first half of the 1990's, the nonmarital birth rate rose more slowly, leveling off at 50% in the mid-1990s.

Kurtz argues that the main impact of partner registration laws in Norway was to discourage couples from marrying after the birth of their first child.<sup>15</sup> But the data on second, third, and later babies born to unmarried parents tell the same story as the overall trend. In 1985, 10% of second and later babies had unmarried parents, a number that tripled to 31% by 1993.<sup>16</sup> From 1994 to 2003, though, the number only rose to 41% where it appears to be leveling off.<sup>17</sup> If the partnership law had "further" encouraged nonmarital births of first or later children, these rates should have increased faster after 1993, but in fact the increase slowed down (for second and later births) or stopped (for first births).

The Netherlands show a slightly different pattern, but here, too, there is no correlation between recognition of same-sex partnerships and rising rates of non-marital births. Despite high rates of cohabitation, the Dutch have traditionally been much less likely than Scandinavians to have babies before marriage, with fewer than one in ten births to unmarried parents until 1988.<sup>18</sup> Kurtz argues that legal recognition for same-sex couples kicked Holland into the Scandinavian league with respect to nonmarital parenting.<sup>19</sup> It is true that the Dutch nonmarital birth rate has been rising steadily since the 1980's, and sometime in the early 1990's the nonmarital birth rate started increasing at a somewhat faster rate. But that acceleration began well before the Netherlands implemented registered partnerships in 1998 and gave same-sex couples the right to marry in 2001.

Another helpful perspective is to compare the trends of countries that have a partner registration law with those that do not. If recognizing gay couples contributed to the increase in nonmarital births, then we should see a bigger change in countries with those laws than in countries without them. Data from Eurostat shows that in the 1990's, the eight countries that recognized registered partners at some point in that decade saw an increase in the average nonmarital birth rate from 36% in 1991 to 44% in 2000, for an eight percentage point increase.<sup>20</sup> In the EU countries (plus Switzerland) that didn't recognize partners, the average rate rose from 15% to 23% — also an eight percentage point increase. The change in rates was exactly the same, demonstrating that partner registration laws did not cause the nonmarital birth rate trends.

Even if we distinguish two kinds of countries—separating out those like the Netherlands with traditionally low nonmarital birth rates from those like Norway with traditionally high rates—we see that there is no connection between partnership recognition and the growth in nonmarital births. The same rapid rise in nonmarital births that that we see in the Netherlands in the 1990s also occurred in other European countries that initially had low nonmarital birth rates. Nonmarital birth rates have soared in in Ireland, Luxembourg, Hungary, Lithuania, and several other eastern European countries—all countries that do not allow same-sex couples to marry or register.<sup>21</sup>

Only one piece of evidence supports Kurtz's argument that partnership created a new wedge between parenthood and marriage, and that piece of evidence directly contradicts Kurtz's ideas about the cause of such a separation. Contrary to what many observers believe, Scandinavian parliaments did not give same-sex couples the exact same rights as heterosexual couples. Quite deliberately, the various Scandinavian parliaments chose to provide legal ties for same-sex couples through a special new legal relationship, not by the simpler path of extending the right to marry to same-sex couples. And the parliaments denied same-sex couples the right to adopt children (including their nonbiological children raised from birth) or to gain access to reproductive technologies. Thus Scandinavian governments did create a wedge between marriage

and reproduction, but they did so by design and they did so only for same-sex couples. Despite some loosening of those prohibitions over time, registered partners who want to have children still face legal hurdles that heterosexual married couples do not.

## The impact of gay marriage in the U.S.

In the end, the Scandinavian and Dutch experience suggests that there is little reason to worry that heterosexual people will flee marriage if gay and lesbian couples get the same rights. This conclusion is even stronger when looking at the United States, where couples have many more tangible incentives to marry. Scholars of social welfare programs have noted that the U.S. relies heavily on the labor market and families to provide income and support for individuals. In the United States, unlike Scandinavia, marriage is often the only route to survivor coverage in pensions and social security, and many people have access to health care only through their spouse's employment.<sup>22</sup> Scandinavian states, on the other hand, are much more financially supportive of families and individuals, regardless of their family or marital status.<sup>23</sup>

The lack of support alternatives plus the tangible benefits of marriage all lead to one conclusion: if and when same-sex couples are allowed to marry, heterosexual couples will continue to marry in the United States.

## Conclusion

Overall, there is no evidence that giving partnership rights to same-sex couples had any impact on heterosexual marriage in Scandinavian countries and the Netherlands. Marriage rates, divorce rates, and nonmarital birth rates have been changing in Scandinavia, Europe, and the United States for the past thirty years. But those changes have occurred in all countries, regardless of whether or not they adopted same-sex partnership laws, and these trends were underway well before the passage of laws that gave same-sex couples rights.

Furthermore, the legal and cultural context in the United States gives many more incentives for heterosexual couples to marry than in Europe, and those incentives will still exist even if same-sex couples can marry. Giving same-sex couples marriage or marriage-like rights has not undermined heterosexual marriage in Europe, and it is not likely to do so in the United States.

---

## Acknowledgements

The author thanks Stephanie Coontz, Barbara Risman, Gunnar Andersson, Kathleen Kiernan, and Joop Garssen for helpful comments on earlier drafts. She also thanks Turid Noack and Ane Seierstad of Statistics Norway for help with Norwegian data.

## About the author

M. V. Lee Badgett is an associate professor of economics at the University of Massachusetts, Amherst. She is also the research director of the Institute for Gay and Lesbian Strategic Studies. She has written numerous academic articles, policy reports, and book chapters on family policy and employment discrimination, and she is the author of *Money, Myths, and Change: The Economic Lives of Lesbians and Gay Men* (University of Chicago Press, 2001).

## Notes

1. Lengthy articles on this subject by Stanley Kurtz include: "The End of Marriage in Scandinavia," *Weekly Standard*, Vol. 9, Issue 20, Feb. 2, 2004; "Going Dutch: Lessons of the Same-Sex Marriage Debate in the Netherlands," *Weekly Standard*, Vol. 9, Issue 36, May 31, 2004; "Unhealthy Half Truths: Scandinavian Marriage is Dying", *National Review Online*, May 25, 2004; "No Explanation: Gay Marriage Has Sent the Netherlands the Way of Scandinavia," *National Review Online*, June 3, 2004.
2. Personal communication with Dr. Jan Latten, demographer with Statistics Netherlands (Personal communication, March 12, 2004). Falling birth rates are also likely tied to the drop in marriages, according to Dr. Joop Garssen of Statistics Netherlands (Personal communication, June 18, 2004).
3. Statistics Denmark, *Statistical Yearbook 2003*, "Populations and Elections," p. 6. <http://www.dst.dk/HomeUK/Statistics/Publications/Yearbook/2003.aspx>
4. Kurtz, "The End of Marriage in Scandinavia."
5. Except where noted in this paragraph, these figures are the author's calculations from tables from national statistical agencies.
6. Statistics Norway, "Less married couples with children at home," Table 2: Families, by type of family. Children under 18 years of age, 1974-2004, June 3, 2004, [http://www.ssb.no/english/subjects/02/01/20/familie\\_en/tab-2004-06-03-02-en.html](http://www.ssb.no/english/subjects/02/01/20/familie_en/tab-2004-06-03-02-en.html); Statistics Norway, "Five in Six Children have Siblings," August 21, 2003, [http://www.ssb.no/english/subjects/02/01/20/barn\\_en/](http://www.ssb.no/english/subjects/02/01/20/barn_en/).
7. Kiernan, Kathleen. "The Rise of Cohabitation and Childbearing Outside Marriage in Western Europe," *International Journal of Law, Policy and the Family*, Vol. 15, pp 1-21, 2001, p. 17.
8. Dr. Joop Garssen, Statistics Netherlands, personal communication, June 18, 2004.
9. Kiernan, p. 18.
10. Data for the Netherlands are not available for these measures.
11. Gunnar Andersson, "Children's experience of family disruption and family formation: Evidence from 16 FFS countries," *Demographic Research*, Vol. 7, Article 7, August 02, 2002, [www.demographic-research.org](http://www.demographic-research.org), p. 358. These Family and Fertility Studies that Andersson analyzes are also used by Kiernan in the work cited earlier.
12. M. V. Lee Badgett, "Variations on an Equitable Theme: Explaining International Same-sex Partner Recognition Laws," March 2004.
13. Kurtz, "The End of Marriage in Scandinavia."
14. Nonmarital birth rates in the next few paragraphs are from Eurostat for the 1990's and national statistical agency websites for previous years.
15. Kurtz, "The End of Marriage in Scandinavia."
16. Unpublished data on order of birth and marital status was provided by Statistics Norway.
17. The percentage of first births to unmarried parents did not increase at all from 1994 to 2003.
18. Arno Sprangers and Joop Garssen, "Non-marital-fertility in the European Economic Area," *Statistics Netherlands*, Feb. 26, 2003. David Coleman and Joop Garssen, "The Netherlands: paradigm or exception in Western Europe's demography?" *Demographic Research*, Vol. 7, Article 10, Sept. 10, 2002, [www.demographic-research.org](http://www.demographic-research.org).
19. For instance, note the subtitle of the June 3, 2004 article: "Gay Marriage has sent the Netherlands the way of Scandinavia."
20. Finland did not pass its partner registration law until 2001, so it is included in the non-partnership countries for this comparison.
21. From 1990 to 2002, the changes in the nonmarital birth rates were as follows: Netherlands 12.0% to 29.1%, Luxembourg 12.2% to 23.2%, Ireland 16.9% to 31.1%, Hungary 14.2% to 32.2%, Lithuania 7.0% to 27.9%, Slovakia 9.0% to 21.6%. Eurostat, "Live Births Outside Marriage," available through <http://europa.eu.int/comm/eurostat>.
22. Over 60% of insured people get insurance through their own employer or a family member's employer. U.S. Bureau of the Census. *Health Insurance Coverage: 2001*. Current Population Reports P60-220, 2002, <http://www.census.gov/prod/2002pubs/p60-220.pdf>.
23. Esping-Andersen, Gosta. *Social Foundations of Postindustrial Economics*. Oxford University Press, Oxford, 1999.

## About the Council on Contemporary Families

Founded in 1996, with a membership consisting of national noted family researchers, mental health and social work practitioners, and clinicians, the **Council on Contemporary Families (CCF)** is a nonprofit organization dedicated to enhancing the national conversation about what contemporary families need and how these needs can best be met. [www.contemporaryfamilies.org](http://www.contemporaryfamilies.org)

## About the Institute for Gay and Lesbian Strategic Studies (IGLSS)

IGLSS is an independent think tank answering important questions that affect the lesbian, gay, bisexual, and transgender communities. IGLSS confronts tough issues using credible methodologies to assure reliable answers. With a mix of scholarly study and rapid-response analyses of pressing topics, IGLSS fulfills vital public research needs on debates about gay-related issues.

IGLSS

P.O. Box 2603

Amherst, MA 01003

413-577-0145

[www.igloss.org](http://www.igloss.org)

**Same-sex Couples and the Gay, Lesbian,  
Bisexual Population: New Estimates from  
the American Community Survey**

**October 2006**



*the*  
**Williams**  
INSTITUTE

Gary J. Gates, PhD  
Senior Research Fellow, The Williams Institute on Sexual Orientation  
Law and Public Policy, UCLA School of Law

## Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey

### **INTRODUCTION**

The news that same-sex couples lived in nearly every county of the United States marked one of most reported on statistics from the release of Census 2000 data. Since then, policy debates focusing on marriage and partnership rights for same-sex couples have led academics and policy-makers alike to use these data in hopes of gaining a more complete and accurate understanding of this population (e.g., Gates and Ost 2004; Congressional Budget Office 2004; Badgett and Sears 2005).



## Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey

Angeles, Chicago, San Francisco, and Boston have the largest GLB populations among metropolitan areas.

- **Ranking states by the percentage of the adult population who are GLB, the District of Columbia, New Hampshire, Washington, Massachusetts and Maine come out on top.** Among large metropolitan areas, San Francisco, Seattle, Boston, Portland (OR), and Tampa rank in the top five in this statistic.
- **Same-sex couples are found in all Congressional districts in the U.S.** The release of the 2005 ACS marks the first time that data regarding same-sex couples are available for current Congressional districts. Congressional districts with the highest number and percentage of GLB individuals in the population tend to be more urban with California's 8th district (San Francisco) ranking first in both categories.

### **THE NUMBER OF SAME-SEX COUPLES INCREASED BY 30% IN THE UNITED STATES FROM 2000-2005**

Census 2000 officially counted 594,391 same-sex couples in the United States. As of 2005, that figure has grown to an estimated 776,943 couples, an increase of more than 30 percent. In contrast, the national population grew by only 6% from 2000 to 2005. The increase was larger for male couples (37 percent) than for female couples (24 percent). Of the same-sex couples, 413,095 (53 percent) are male and 363,848 (47 percent) are female.

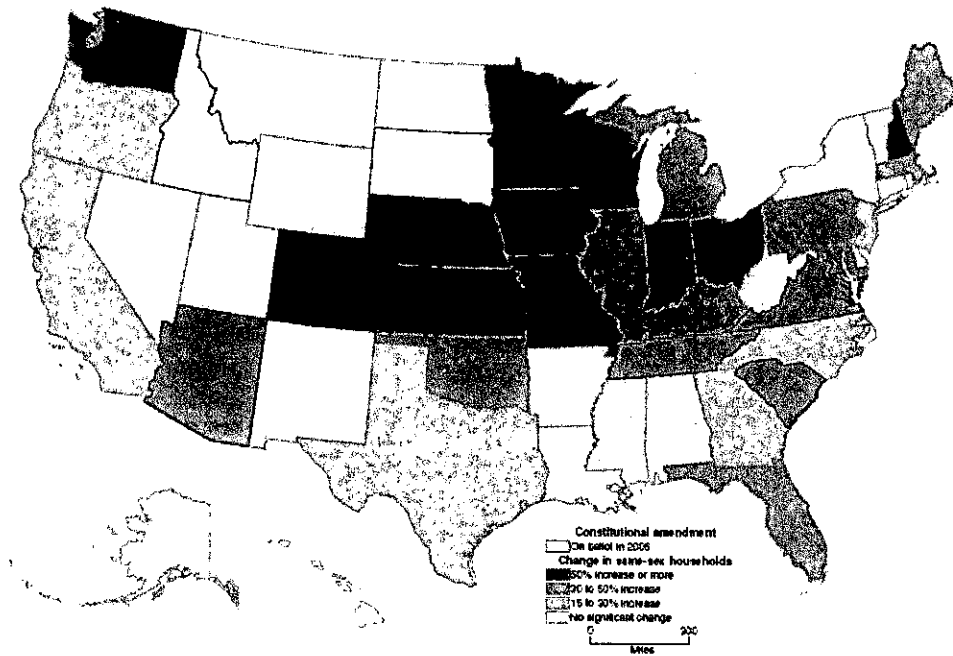
Note that Census 2000 counts come from an actual count of the full U.S. population, while data from the American Community Survey are estimates drawn from a 1.4 million household sample of the U.S. population. The ACS is designed to replace the long-form in the 2010 census.

### **MORE SAME-SEX COUPLES ARE IDENTIFYING THEMSELVES IN THE MIDWEST**

The pattern of the increases in same-sex couples is not uniform across the country. As shown in the map below and in Table 1, the largest increases are observed in New Hampshire, many states across the Midwest, and Washington. Smaller increases are observed in more populous states like California and Texas.

# Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey

## Increase in Same-Sex Couples, 2000-2005



Notably, six of the eight states with measures to ban same-sex marriage on the 2006 ballot evidenced increases in the number of same-sex couples exceeding 30 percent.

Table 1. Top ten states (and DC) ranked by the percent increase in same-sex couples from 2000 to 2005.

Rank	% Increase in Same-sex couples, 2000 to 2005	
1	New Hampshire	106%
2	Wisconsin	81%
3	Minnesota	76%
4	Nebraska	71%
5	Kansas	68%
6	Ohio	62%
7	Colorado	58%
8	Iowa	58%
9	Missouri	56%
10	Indiana	54%

## Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey

Increases and decreases in population are often understood as indicators of mobility patterns in the population. This is likely not the case for same-sex couples as the changes observed differ from broader mobility patterns in the United States, namely population movements to the South and West. Increases in the number of same-sex couples are more likely a result of at least two important factors, both related to increasing acceptance of same-sex relationships within the U.S. population:

1. Larger portions of lesbians, gay men, and bisexuals may be choosing to couple with partners of the same sex.
2. Larger numbers of same-sex couples may be willing to report the nature of their relationship to the Census Bureau.

While both of these trends might be occurring, it seems likely that coupling rates of GLB individuals would not change on the order of the magnitude observed in these data over such a short period of time. Increased visibility represents the most likely scenario to explain such a rapid increase.

### **ACS USEFUL IN ESTIMATING THE SIZE OF THE GLB POPULATION**

Census and ACS are the only sources of data available that count the number of same-sex couples at state and local levels. These data can be useful in generating estimates of the size of the entire gay, lesbian, and bisexual (GLB) population for states, metropolitan areas, and within Congressional districts.

Analyses from the National Survey of Family Growth find that 4.1 percent of men and women aged 18-45 identify as gay, lesbian or bisexual. If 4.1 percent of all adults identify as such, then an estimated 8.8 million adults are gay, lesbian, or bisexual in the United States.

Assuming that the proportion of all same-sex couples who live in a given state or locality is the same as the proportion of all GLB individuals living in that area, then ACS data can be used to estimate the size of this population within states, metropolitan areas, and Congressional districts. The size of the GLB population in any area can be estimated by multiplying the estimate of 8.8 million GLB adults by the percentage of all same-sex couples residing in a given state, metropolitan area, or Congressional district. For example, since nearly 15 percent of same-sex couples live in California, the estimated size of the GLB population in California is approximately 1.3 million (15 percent of 8.8 million GLB people in the U.S.)

## Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey

### **DC HAS THE HIGHEST PERCENTAGE OF GLB INDIVIDUALS IN THE POPULATION AND CALIFORNIA HAS THE LARGEST NUMBER OF GLB ADULTS**

Table 2 ranks states by the estimated percentage of the adult population that is GLB. This measure provides a sense of how common it is to find a GLB person in a state, regardless of the state's size. The District of Columbia ranks first in the percentage of gay men, lesbians and bisexuals in the population. This is perhaps not surprising given its urban character. Previous studies have shown that lesbians and gay men are somewhat more likely to live in cities than the general population (Gates and Ost 2004). Other states with the largest percentages of GLB individuals cluster primarily in the Northeast (New Hampshire, Massachusetts, Maine, and Vermont) and West (Washington, California, Colorado, and New Mexico). Minnesota is the only state in this top ten from the Midwest.

Table 2. Top ten states (and DC) ranked by the estimated percent of adults who are gay, lesbian or bisexual.

Rank	Estimated % of gay men, lesbians, and bisexuals in the adult population
1	District of Columbia 8.1%
2	New Hampshire 6.6%
3	Washington 5.7%
4	Massachusetts 5.7%
5	Maine 5.2%
6	California 5.2%
7	Colorado 5.1%
8	Vermont 5.1%
9	New Mexico 4.9%
10	Minnesota 4.7%

Table 3 shows the ten states with the largest GLB populations. States with relatively large populations generally rank among those with the largest GLB population, though Massachusetts and Washington both rank higher in this category than their population size would predict. Nine of the ten states in this list were in the top ten in Census 2000, with Washington as the new entrant likely due to its 50 percent increase in same-sex couples between 2000 and 2005.

## Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey

Table 3. Top ten states (and DC) ranked by the estimated size of the gay, lesbian and bisexual population.

Rank	Estimated size the of gay, lesbian, and bisexual population	
1	California	1,338,164
2	Florida	609,219
3	New York	592,337
4	Texas	579,968
5	Illinois	345,395
6	Ohio	335,110
7	Pennsylvania	323,454
8	Georgia	278,943
9	Massachusetts	269,074
10	Washington	266,983

### **SAN FRANCISCO RANKS FIRST IN THE PERCENTAGE OF GLB INDIVIDUALS IN THE POPULATION AND NEW YORK CITY HAS THE LARGEST NUMBER OF GLB ADULTS**

The 2005 ACS makes possible new rankings of metropolitan areas by the proportion of GLB population and by the actual size of the GLB population (metropolitan areas are multi-county areas that often include more than one city). However, since geographic definitions of metropolitan areas have changed since Census 2000, estimates of the change in the number of same-sex couples for these areas are not possible.

Table 4 ranks metropolitan areas by the proportion of GLB adults. While it may not be surprising that metropolitan areas like San Francisco, Seattle, and Boston are home to relatively large proportions of GLB residents, some may find it curious that cities like Tampa, Orlando, and Hartford also make the top ten in this ranking. Moreover, with the exception of Austin, the proportion of GLB residents tends to be higher in the actual cities contained within the metropolitan areas shown. The proportion nearly doubles in cities like San Francisco, Seattle, Boston, and Minneapolis.

## Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey

Table 4. Top ten metropolitan areas (among the fifty largest in the U.S.) ranked by the estimated percent of adults who are gay, lesbian or bisexual.

Rank	Estimated % of gay men, lesbians, and bisexuals in the adult population	Metro	Largest
		Area	City
1	San Francisco-Oakland-Fremont	8.2%	15.4%
2	Seattle-Tacoma-Bellevue	6.5%	12.9%
3	Boston-Cambridge-Quincy	6.2%	12.3%
4	Portland-Vancouver-Beaverton	6.1%	8.8%
5	Tampa-St. Petersburg-Clearwater	5.9%	6.1%
6	Austin-Round Rock	5.9%	4.8%
7	Denver-Aurora	5.8%	8.2%
8	Minneapolis-St. Paul-Bloomington	5.7%	12.5%
9	Orlando-Kissimmee	5.7%	7.7%
10	Hartford-West Hartford-East Hartford	5.6%	6.8%

Similar to state rankings, Table 5 shows that rankings by size of the GLB population generally follow broader population patterns, with some notable exceptions. Neither Boston nor San Francisco rank among the ten most populous metropolitan areas.

Table 5. Top ten metropolitan areas (among the fifty largest in the U.S.) ranked by the estimated size of the gay, lesbian and bisexual population.

Rank	Estimated size of the gay, lesbian, and bisexual population
1	New York-Northern New Jersey-Long Island 568,903
2	Los Angeles-Long Beach-Santa Ana 442,211
3	Chicago-Naperville-Joliet 288,748
4	San Francisco-Oakland-Fremont 256,313
5	Boston-Cambridge-Quincy 201,344
6	Washington-Arlington-Alexandria 191,959
7	Dallas-Fort Worth-Arlington 183,718
8	Miami-Fort Lauderdale-Miami Beach 183,346
9	Atlanta-Sandy Springs-Marietta 180,168
10	Philadelphia-Camden-Wilmington 179,459

## Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey

### ACS MARKS FIRST OPPORTUNITY TO STUDY CONGRESSIONAL DISTRICTS

The 2005 ACS marks the first time that estimates of the number of same-sex couples and the size of the GLB population can be made for current Congressional districts (109th Congress). Notably, all districts have same-sex couples present.

The ranking of Congressional districts by both the percentage of GLB adults in Table 6 and the size of the GLB population in Table 7 show the same districts in slightly different order. This is not surprising given that all Congressional districts have relatively similar population sizes. Since urban areas tend to include higher fractions of registered Democrats, it is no surprise that most of the top ten districts, which are relatively urban, are currently represented by Democrats.

Table 6. Top ten Congressional districts (109th Congress) ranked by the estimated percent of adults who are gay, lesbian or bisexual.

Rank	Estimated % of gay men, lesbians, and bisexuals in the adult population
1	District 8, California (San Francisco) 16.6%
2	District 7, Washington (Seattle) 13.2%
3	District 9, California (Oakland) 12.4%
4	District 8, Massachusetts (Somerville) 11.3%
5	District 45, California (Palm Springs) 10.8%
6	District 5, Georgia (Atlanta) 10.8%
7	District 8, New York (NY City) 10.6%
8	District 53, California (San Diego) 10.5%
9	District 5, Minnesota (Minneapolis) 9.5%
10	District 9, Illinois (Evansville) 9.3%

## Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey

Table 7. Top ten Congressional districts (109th Congress) ranked by the estimated size of the gay, lesbian and bisexual population.

Rank	Estimated size of the gay, lesbian, and bisexual population	
1	District 8, California	83,229
2	District 7, Washington	67,652
3	District 45, California	59,533
4	District 8, New York	58,871
5	District 9, California	57,228
6	District 5, Georgia	51,456
7	District 8, Massachusetts	50,837
8	District 53, California	46,791
9	District 9, Illinois	42,861
10	District 5, Minnesota	42,124

Full rankings of states, metropolitan areas, and Congressional Districts are included in the Appendices of this report.

### CONCLUSION

This first analysis of 2005 American Community Survey data contains some new insights. The number of same-sex couples increased by 30 percent from counts made in Census 2000. Growth in the number of same-sex couples throughout the Midwest suggests that as acceptance of lesbian and gay couples reaches into America's Heartland, more couples are willing to identify themselves. The ACS data also reveal some consistent geographic patterns among same-sex couples. Geographic distribution patterns across metropolitan areas show that same-sex couples, and presumably the broader GLB population, still tend to cluster in higher concentrations in the Northeast and the West. However, GLB populations are on the rise in other urban areas. Notably two cities in Florida not historically thought of as having large GLB populations, Tampa and Orlando, now rank in the top ten in estimates of the percentage of GLB residents in the population. New estimates of the size of the GLB population by Congressional district also demonstrate that gay men and lesbians live in every district in the country.



## Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey

### **ACKNOWLEDGEMENTS**

Thanks to Jason Ost for production of the map. Thanks also to Brad Sears, Lee Badgett, Deborah Ho and Darcy Pottle for editorial assistance.

### **REFERENCES**

Badgett, MVL, and B Sears. (2005). Putting a price on equality? The impact of allowing same-sex couples to marry on California's budget. *Stanford Law & Policy Review*, 16(1), 197-232.

Congressional Budget Office. (2004). The potential budgetary impact of recognizing same-sex marriages. Retrieved October 8, 2006 from <http://www.cbo.gov/showdoc.cfm?index=5559&sequence=0>.

Gates, GJ and J Ost. (2004). *The Gay and Lesbian Atlas*, Washington, Urban Institute Press.

**Appendix 1. Estimates for the number of same-sex couples, increases since 2000 and number of gay, lesbian, and bisexual individuals in states.**

State	Same-sex couples (2005)	Same-sex couples (2000)	Percent increase in couples <sup>A</sup>	Same-sex male couples (2005)	Same-sex female couples (2005)	Est. percent of population that is gay, lesbian, or bisexual	Est. number of gay, lesbian, bisexual adults
Alabama	8,602	8,109	-	3,681	4,921	2.8%	94,639
Alaska	1,644	1,180	-	685	959	4.1%	18,768
Arizona	16,931	12,332	37%	9,472	7,459	4.5%	191,663
Arkansas	5,890	4,423	-	2,810	3,080	3.2%	64,424
California	107,772	92,138	17%	59,963	47,809	5.2%	1,338,164
Colorado	15,915	10,045	58%	7,302	8,613	5.1%	173,674
Connecticut	10,174	7,386	-	5,274	4,900	4.5%	115,511
Delaware	2,087	1,868	-	917	1,170	3.9%	24,001
District of Columbia	3,420	3,678	-	2,319	1,101	8.1%	32,599
Florida	54,929	41,048	34%	30,538	24,391	4.6%	609,219
Georgia	24,424	19,288	27%	13,830	10,594	4.3%	278,943
Hawaii	3,262	2,389	-	1,575	1,687	4.4%	41,785
Idaho	2,096	1,873	-	1,164	932	2.3%	23,615
Illinois	30,013	22,887	31%	16,365	13,648	3.8%	345,395
Indiana	15,714	10,219	54%	9,493	6,221	3.8%	169,700
Iowa	5,833	3,698	58%	3,169	2,664	2.8%	62,494
Kansas	6,663	3,973	68%	3,146	3,517	3.6%	72,557
Kentucky	9,710	7,114	36%	4,429	5,281	3.4%	106,094
Louisiana	9,006	8,808	-	4,992	4,014	3.1%	102,315
Maine	4,847	3,394	43%	2,062	2,785	5.2%	52,801
Maryland	15,607	11,243	39%	7,992	7,615	4.4%	178,266
Massachusetts	23,744	17,099	39%	11,356	12,388	5.7%	269,074
Michigan	22,701	15,368	48%	12,466	10,235	3.4%	251,682
Minnesota	16,081	9,147	76%	8,515	7,566	4.7%	175,611
Mississippi	4,330	4,774	-	2,370	1,960	2.3%	48,711
Missouri	14,722	9,428	56%	8,427	6,295	3.8%	160,912
Montana	1,662	1,218	-	806	856	2.6%	18,703
Nebraska	3,986	2,332	71%	2,376	1,610	3.4%	42,934
Nevada	6,017	4,973	-	2,724	3,293	3.9%	68,565
New Hampshire	5,578	2,703	106%	1,953	3,625	6.6%	63,787
New Jersey	20,677	16,604	25%	12,125	8,552	3.9%	245,628
New Mexico	6,063	4,496	-	3,399	2,664	4.9%	68,411
New York	50,854	46,490	-	27,267	23,587	4.2%	592,337
North Carolina	19,648	16,198	21%	10,459	9,189	3.4%	212,104
North Dakota	1,070	703	-	607	463	2.3%	11,003
Ohio	30,669	18,937	62%	15,720	14,949	4.0%	335,110
Oklahoma	8,159	5,763	42%	3,754	4,405	3.5%	89,561
Oregon	10,899	8,932	22%	5,339	5,560	4.5%	121,645

Pennsylvania	29,213	21,166	38%	14,794	14,419	3.5%	323,454
Rhode Island	2,376	2,471	-	1,014	1,362	3.4%	27,040
South Carolina	10,563	7,609	39%	4,764	5,799	3.8%	117,033
South Dakota	998	826	-	569	429	1.9%	10,554
Tennessee	13,570	10,189	33%	7,669	5,901	3.4%	148,868
Texas	49,423	42,912	15%	28,135	21,288	3.6%	579,968
Utah	4,307	3,370	-	2,309	1,998	3.2%	53,832
Vermont	2,157	1,933	-	1,124	1,033	5.1%	23,871
Virginia	19,673	13,802	43%	10,789	8,884	4.0%	220,309
Washington	23,903	15,900	50%	11,762	12,141	5.7%	266,983
West Virginia	3,423	2,916	-	1,749	1,674	2.7%	37,692
Wisconsin	14,894	8,232	81%	6,909	7,985	3.9%	160,698
Wyoming	1,044	807	-	667	377	3.0%	11,419

<sup>a</sup> - Indicates that any increase/decrease is not considered statistically significant.

**Appendix 2. Estimates for the number of same-sex couples and number of gay, lesbian, and bisexual individuals within the fifty largest metropolitan areas in the United States and the largest city in each metropolitan area, 2005.**

Metropolitan Area	SS Couples	SS Male Couples	SS Female Couples	Est. % GLB	Est. GLB	City	SS Couples	SS Male Couples	SS Female Couples	Est. % GLB	Est. GLB
Atlanta-Sandy Springs-Marietta, GA	15,493	9,228	6,265	5.1%	180,168	Atlanta	3,812	2,905	907	12.8%	39,085
Austin-Round Rock, TX	5,453	2,935	2,518	5.9%	61,732	Austin	2,362	894	1,468	4.8%	24,615
Baltimore-Towson, MD	8,862	4,274	4,588	5.2%	100,031	Baltimore	2,842	1,601	1,241	6.9%	30,778
Birmingham-Hoover, AL	2,191	1,307	884	3.0%	24,276	Birmingham	895	810	85	5.6%	9,263
Boston-Cambridge-Quincy, MA-NH	17,705	8,560	9,145	6.2%	201,344	Boston	4,876	2,755	2,121	12.3%	50,540
Buffalo-Niagara Falls, NY	2,655	1,581	1,074	3.3%	28,193	Buffalo	599	297	302	3.0%	5,668
Charlotte-Gastonia-Concord, NC-SC	3,350	1,911	1,439	3.3%	36,464	Charlotte	1,660	1,014	646	3.9%	17,170
Chicago-Naperville-Joliet, IL-IN-WI	24,375	14,350	10,025	4.3%	288,748	Chicago	10,001	6,218	3,783	5.7%	114,449
Cincinnati-Middletown, OH-KY-IN	5,207	2,568	2,639	3.8%	57,027	Cincinnati	992	400	592	4.2%	9,129
Cleveland-Elyria-Mentor, OH	6,183	3,323	2,860	4.3%	66,943	Cleveland	1,067	786	281	3.5%	10,524
Columbus, OH	6,301	2,939	3,362	5.5%	68,300	Columbus	3,444	1,452	1,992	6.7%	34,952
Dallas-Fort Worth-Arlington, TX	15,554	8,513	7,041	4.5%	183,718	Dallas	5,283	3,550	1,733	7.0%	58,473
Denver-Aurora, CO	9,177	4,403	4,774	5.8%	99,626	Denver	3,387	1,488	1,899	8.2%	33,698
Detroit-Warren-Livonia, MI	8,794	5,503	3,291	3.0%	98,402	Detroit	791	691	100	1.5%	8,591
Hartford-West Hartford-East Hartford, CT	4,365	2,166	2,199	5.6%	49,000	Hartford	507	410	97	6.8%	5,292
Houston-Sugar Land-Baytown, TX	12,762	8,088	4,674	4.1%	152,288	Houston	5,511	3,926	1,585	4.4%	61,976
Indianapolis, IN	5,030	2,777	2,253	4.5%	52,963	Indianapolis	2,680	1,793	887	4.8%	26,712
Jacksonville, FL	3,361	1,643	1,718	4.0%	36,422	Jacksonville	2,194	1,022	1,172	4.1%	22,840
Kansas City, MO-KS	6,537	4,112	2,425	5.1%	72,080	Kansas City	2,151	1,451	700	6.7%	22,360
Las Vegas-Paradise, NV	4,244	1,940	2,304	3.9%	48,532	Las Vegas	1,591	757	834	4.6%	17,925
Los Angeles-Long Beach-Santa Ana, CA	34,152	18,641	15,511	4.8%	442,211	Los Angeles	12,372	7,313	5,059	5.6%	154,270
Louisville, KY-IN	3,268	1,564	1,704	3.9%	35,149	Louisville/Jefferson County	1,649	803	846	4.2%	17,102
Memphis, TN-MS-AR	2,757	1,295	1,462	3.4%	30,531	Memphis	1,546	773	773	3.5%	16,141
Miami-Fort Lauderdale-Miami Beach, FL	15,767	10,002	5,765	4.5%	183,346	Miami	1,353	697	656	5.5%	15,277
Milwaukee-Waukesha-West Allis, WI	3,786	1,651	2,135	3.7%	40,407	Milwaukee	1,804	654	1,150	4.6%	18,243
Minneapolis-St. Paul-Bloomington, MN-WI	11,855	6,395	5,460	5.7%	130,472	Minneapolis	3,356	2,608	748	12.5%	34,259
Nashville-Davidson-Murfreesboro, TN	3,623	1,936	1,687	3.8%	39,263	Nashville-Davidson	2,033	1,274	759	5.1%	20,313

New Orleans-Metairie-Kenner, LA	2,990	1,796	1,194	3.7%	35,230	New Orleans	1,427	949	478	5.1%	16,554
New York-Northern New Jersey-Long Island, NY-NJ-PA	47,292	26,884	20,408	4.1%	568,903	New York	23,321	13,655	9,666	4.5%	272,493
Oklahoma City, OK	2,619	1,284	1,335	3.3%	28,288	Oklahoma City	1,420	882	538	3.8%	14,877
Orlando-Kissimmee, FL	7,238	3,476	3,762	5.7%	81,272	Orlando	1,243	533	710	7.7%	12,508
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	15,696	6,827	8,869	4.2%	179,459	Philadelphia	4,033	1,575	2,458	4.2%	43,320
Phoenix-Mesa-Scottsdale, AZ	11,658	6,462	5,196	4.8%	132,960	Phoenix	5,535	3,243	2,292	6.4%	63,222
Pittsburgh, PA	4,766	3,035	1,731	2.8%	50,994	Pittsburgh	805	602	203	3.5%	7,935
Portland-Vancouver-Beaverton, OR-WA	8,299	4,372	3,927	6.1%	94,027	Portland	3,438	1,716	1,722	8.8%	35,413
Providence-New Bedford-Fall River, RI-MA	3,810	1,506	2,304	3.6%	43,417	Providence	488	159	329	4.8%	5,564
Richmond, VA	2,630	1,597	1,033	3.4%	28,750	Richmond	482	316	166	3.4%	4,705
Riverside-San Bernardino-Ontario, CA	10,177	5,688	4,489	4.9%	131,555	Riverside	404	252	152	2.5%	5,379
Rochester, NY	3,313	1,953	1,360	4.8%	36,310	Rochester	961	534	427	6.8%	9,371
Sacramento-Arden-Arcade-Roseville, CA	7,052	3,360	3,692	5.5%	81,759	Sacramento	2,824	1,514	1,310	9.8%	32,108
Salt Lake City, UT	2,171	1,101	1,070	3.7%	26,761	Salt Lake City	968	414	554	7.6%	10,726
San Antonio, TX	3,831	2,038	1,793	3.5%	46,188	San Antonio	2,757	1,651	1,106	3.8%	32,631
San Diego-Carlsbad-San Marcos, CA	8,759	5,526	3,233	4.9%	102,016	San Diego	5,437	3,700	1,737	6.8%	61,945
San Francisco-Oakland-Fremont, CA	21,862	13,163	8,699	8.2%	256,313	San Francisco	8,490	6,233	2,257	15.4%	94,234
San Jose-Sunnyvale-Santa Clara, CA	5,081	3,172	1,909	5.0%	63,941	San Jose	2,829	1,740	1,089	5.8%	37,260
Seattle-Tacoma-Bellevue, WA	14,099	7,358	6,741	6.5%	154,835	Seattle	5,762	3,324	2,438	12.9%	57,993
St. Louis, MO-IL	7,562	4,069	3,493	4.1%	83,769	St. Louis	1,642	1,353	289	6.8%	16,868
Tampa-St. Petersburg-Clearwater, FL	11,194	6,446	4,748	5.9%	119,044	Tampa	1,402	916	486	6.1%	14,119
Virginia Beach-Norfolk-Newport News, VA-NC	4,058	2,145	1,913	3.9%	44,689	Virginia Beach	1,220	851	369	4.4%	13,913
Washington-Arlington-Alexandria, DC-VA-MD-WV	16,730	9,705	7,025	5.0%	191,959	Washington	3,420	2,319	1,101	8.1%	32,599

**Appendix 3. Estimates for the number of same-sex couples and number of gay, lesbian, and bisexual individuals within all Congressional Districts (109<sup>th</sup> Congress), 2005.**

Congressional District	SS Couples	SS Male Couples	SS Female Couples	Est. % GLB	Est. GLB
District 1, Alabama	1,156	297	859	2.7%	12,888
District 2, Alabama	946	436	510	2.2%	10,372
District 3, Alabama	1,409	291	1,118	3.3%	15,308
District 4, Alabama	1,223	807	416	2.9%	13,880
District 5, Alabama	1,252	429	823	2.8%	13,671
District 6, Alabama	1,231	614	617	2.6%	13,616
District 7, Alabama	1,385	807	578	3.4%	14,813
District (at Large), Alaska	1,644	685	959	4.1%	18,768
District 1, Arizona	1,348	670	678	3.1%	15,470
District 2, Arizona	1,379	581	798	2.5%	15,934
District 3, Arizona	2,652	1,382	1,270	5.9%	28,985
District 4, Arizona	3,347	2,198	1,149	9.0%	40,529
District 5, Arizona	1,804	1,130	674	3.8%	19,747
District 6, Arizona	1,991	984	1,007	3.7%	22,864
District 7, Arizona	1,998	1,197	801	4.6%	23,297
District 8, Arizona	2,412	1,330	1,082	4.8%	25,540
District 1, Arkansas	1,655	821	834	3.7%	18,154
District 2, Arkansas	1,440	891	549	3.0%	15,397
District 3, Arkansas	1,508	790	718	3.1%	16,864
District 4, Arkansas	1,287	308	979	2.9%	14,030
District 1, California	2,592	1,237	1,355	5.9%	29,504
District 2, California	2,493	1,233	1,260	5.6%	29,090
District 3, California	2,033	864	1,169	4.4%	23,431
District 4, California	1,669	907	762	3.6%	19,573
District 5, California	3,380	1,607	1,773	7.9%	38,201
District 6, California	3,194	2,064	1,130	7.5%	35,435
District 7, California	1,356	604	752	3.6%	16,805
District 8, California	7,645	5,579	2,066	16.6%	83,229
District 9, California	5,135	2,543	2,592	12.4%	57,228
District 10, California	1,991	1,057	934	4.7%	23,692
District 11, California	2,186	1,394	792	5.1%	26,864
District 12, California	2,498	1,369	1,129	6.2%	30,018
District 13, California	1,352	597	755	3.7%	17,400
District 14, California	1,818	1,233	585	4.4%	21,256
District 15, California	1,854	934	920	4.8%	22,979
District 16, California	1,879	1,238	641	5.7%	25,601
District 17, California	1,547	507	1,040	4.4%	19,307
District 18, California	865	245	620	2.4%	11,369
District 19, California	1,637	858	779	3.9%	20,138
District 20, California	1,180	924	256	3.8%	15,690
District 21, California	1,599	1,068	531	4.3%	20,867

District 22, California	1,389	581	808	3.3%	16,234
District 23, California	1,778	674	1,104	4.7%	22,217
District 24, California	1,559	739	820	4.1%	19,538
District 25, California	1,047	225	822	2.7%	13,456
District 26, California	1,733	623	1,110	4.5%	22,514
District 27, California	2,498	1,127	1,371	6.6%	32,284
District 28, California	2,606	1,422	1,184	7.3%	35,047
District 29, California	1,773	1,151	622	4.5%	21,852
District 30, California	3,524	2,465	1,059	7.4%	37,564
District 31, California	2,297	1,543	754	6.9%	30,655
District 32, California	1,010	258	752	3.3%	15,220
District 33, California	1,741	1,198	543	4.1%	19,781
District 34, California	808	501	307	2.6%	11,232
District 35, California	1,209	627	582	3.4%	15,742
District 36, California	1,697	952	745	3.9%	19,377
District 37, California	2,268	1,086	1,182	6.5%	30,173
District 38, California	2,447	1,175	1,272	8.4%	37,152
District 39, California	1,485	945	540	4.9%	22,253
District 40, California	1,023	699	324	2.8%	13,750
District 41, California	1,710	467	1,243	3.9%	20,396
District 42, California	1,176	576	600	3.3%	15,779
District 43, California	867	408	459	2.6%	12,186
District 44, California	1,403	687	716	3.4%	18,967
District 45, California	4,929	3,511	1,418	10.8%	59,533
District 46, California	1,828	1,134	694	4.5%	22,451
District 47, California	945	432	513	3.5%	14,907
District 48, California	1,601	806	795	3.6%	18,458
District 49, California	1,142	616	526	2.8%	14,162
District 50, California	1,291	936	355	3.0%	15,374
District 51, California	1,052	452	600	3.0%	13,566
District 52, California	1,569	807	762	3.8%	18,168
District 53, California	4,464	3,078	1,386	10.5%	46,791
District 1, Colorado	3,437	1,488	1,949	7.5%	34,119
District 2, Colorado	1,933	824	1,109	4.4%	21,880
District 3, Colorado	1,068	638	430	2.4%	11,544
District 4, Colorado	3,010	1,085	1,925	6.9%	33,772
District 5, Colorado	1,703	842	861	3.9%	18,413
District 6, Colorado	2,230	1,145	1,085	4.9%	25,825
District 7, Colorado	2,534	1,280	1,254	5.9%	27,224
District 1, Connecticut	2,742	1,424	1,318	5.9%	30,645
District 2, Connecticut	2,525	1,327	1,198	5.6%	28,471
District 3, Connecticut	1,364	946	418	3.0%	15,200
District 4, Connecticut	2,259	1,100	1,159	5.3%	26,635
District 5, Connecticut	1,284	477	807	2.8%	14,659
District (at Large), Delaware	2,087	917	1,170	3.9%	24,001
Delegate District (at Large), District of Columbia	3,420	2,319	1,101	8.1%	32,599
District 1, Florida	1,943	1,222	721	4.3%	20,957
District 2, Florida	1,156	454	702	2.5%	12,274

District 3, Florida	1,785	679	1,106	4.2%	18,667
District 4, Florida	1,826	802	1,024	4.0%	19,670
District 5, Florida	3,039	1,709	1,330	5.4%	34,120
District 6, Florida	2,291	1,142	1,149	4.6%	25,425
District 7, Florida	2,035	1,015	1,020	3.9%	22,554
District 8, Florida	2,992	1,493	1,499	6.0%	32,874
District 9, Florida	2,735	1,629	1,106	5.5%	29,689
District 10, Florida	3,743	1,865	1,878	7.4%	37,960
District 11, Florida	2,148	1,340	808	4.6%	21,981
District 12, Florida	1,716	788	928	3.5%	18,942
District 13, Florida	2,337	1,417	920	4.3%	24,870
District 14, Florida	2,051	775	1,276	3.6%	22,074
District 15, Florida	2,451	1,303	1,148	4.7%	27,110
District 16, Florida	1,806	881	925	3.6%	20,568
District 17, Florida	1,251	664	587	3.2%	15,034
District 18, Florida	3,263	2,365	898	7.2%	36,239
District 19, Florida	1,485	819	666	2.9%	16,136
District 20, Florida	3,380	2,176	1,204	7.0%	36,760
District 21, Florida	1,176	543	633	3.0%	15,466
District 22, Florida	2,611	1,774	837	5.3%	28,313
District 23, Florida	1,643	1,125	518	4.0%	18,990
District 24, Florida	2,640	1,739	901	5.3%	30,200
District 25, Florida	1,426	819	607	3.5%	18,960
District 1, Georgia	1,423	572	851	3.4%	15,748
District 2, Georgia	939	456	483	2.4%	10,244
District 3, Georgia	1,703	916	787	4.3%	19,085
District 4, Georgia	2,987	1,636	1,351	7.0%	32,727
District 5, Georgia	4,916	3,653	1,263	10.8%	51,456
District 6, Georgia	1,875	1,058	817	4.2%	22,501
District 7, Georgia	1,535	1,023	512	3.3%	18,633
District 8, Georgia	1,623	856	767	3.5%	19,301
District 9, Georgia	1,228	551	677	2.7%	14,117
District 10, Georgia	2,229	1,282	947	4.9%	26,721
District 11, Georgia	1,766	807	959	4.2%	19,901
District 12, Georgia	1,106	390	716	2.7%	12,030
District 13, Georgia	1,094	630	464	2.5%	13,118
District 1, Hawaii	1,316	792	524	3.4%	16,638
District 2, Hawaii	1,946	783	1,163	5.5%	25,279
District 1, Idaho	922	548	374	2.0%	10,579
District 2, Idaho	1,174	616	558	2.7%	12,965
District 1, Illinois	1,141	578	563	2.9%	13,247
District 2, Illinois	894	401	493	2.2%	10,473
District 3, Illinois	1,294	758	536	3.3%	15,415
District 4, Illinois	2,132	957	1,175	6.6%	29,348
District 5, Illinois	2,466	1,769	697	5.8%	28,176
District 6, Illinois	1,806	720	1,086	4.6%	22,169
District 7, Illinois	1,619	1,081	538	3.8%	16,882
District 8, Illinois	1,391	564	827	3.2%	16,829
District 9, Illinois	3,979	2,926	1,053	9.3%	42,861



District 10, Illinois	1,175	920	255	3.0%	13,859
District 11, Illinois	2,133	716	1,417	4.9%	25,357
District 12, Illinois	1,533	465	1,068	3.5%	16,458
District 13, Illinois	1,470	860	610	3.3%	17,873
District 14, Illinois	919	488	431	2.1%	11,492
District 15, Illinois	1,388	452	936	3.1%	14,869
District 16, Illinois	950	651	299	2.1%	11,096
District 17, Illinois	1,102	457	645	2.5%	11,614
District 18, Illinois	1,269	785	484	2.8%	13,537
District 19, Illinois	1,352	817	535	3.0%	14,561
District 1, Indiana	2,064	1,470	594	4.6%	23,416
District 2, Indiana	1,539	895	644	3.5%	16,740
District 3, Indiana	1,649	1,493	156	3.6%	17,887
District 4, Indiana	1,444	595	849	3.0%	15,869
District 5, Indiana	2,303	1,094	1,209	4.6%	25,312
District 6, Indiana	1,501	944	557	3.3%	16,288
District 7, Indiana	2,092	1,349	743	4.5%	20,289
District 8, Indiana	1,494	798	696	3.3%	16,037
District 9, Indiana	1,628	855	773	3.5%	17,701
District 1, Iowa	1,053	539	514	2.6%	11,396
District 2, Iowa	1,683	758	925	4.0%	17,791
District 3, Iowa	1,090	790	300	2.6%	11,507
District 4, Iowa	856	361	495	2.1%	9,302
District 5, Iowa	1,151	721	430	2.9%	12,396
District 1, Kansas	1,249	840	409	2.8%	13,285
District 2, Kansas	1,427	711	716	3.1%	15,412
District 3, Kansas	2,349	842	1,507	5.0%	26,333
District 4, Kansas	1,638	753	885	3.6%	17,842
District 1, Kentucky	1,151	420	731	2.5%	12,502
District 2, Kentucky	1,887	547	1,340	4.0%	20,917
District 3, Kentucky	1,854	946	908	3.8%	19,266
District 4, Kentucky	1,770	823	947	3.8%	19,830
District 5, Kentucky	807	404	403	1.8%	9,226
District 6, Kentucky	2,241	1,289	952	4.6%	23,847
District 1, Louisiana	1,308	780	528	3.0%	15,056
District 2, Louisiana	1,728	1,164	564	4.7%	20,340
District 3, Louisiana	686	358	328	1.7%	8,263
District 4, Louisiana	1,045	673	372	2.5%	11,400
District 5, Louisiana	951	415	536	2.4%	10,502
District 6, Louisiana	1,265	598	667	3.0%	14,164
District 7, Louisiana	2,023	1,004	1,019	4.8%	22,508
District 1, Maine	3,413	1,360	2,053	7.3%	37,298
District 2, Maine	1,434	702	732	3.1%	15,571
District 1, Maryland	1,913	1,136	777	4.1%	21,713
District 2, Maryland	1,717	676	1,041	3.7%	18,991
District 3, Maryland	2,749	1,163	1,586	6.0%	30,106
District 4, Maryland	1,447	517	930	3.4%	17,018
District 5, Maryland	1,098	703	395	2.5%	13,124
District 6, Maryland	1,995	757	1,238	4.4%	22,986

District 7, Maryland	2,263	1,689	574	5.5%	25,339
District 8, Maryland	2,425	1,351	1,074	5.4%	28,171
District 1, Massachusetts	1,725	478	1,247	4.1%	19,363
District 2, Massachusetts	2,411	1,033	1,378	5.7%	27,706
District 3, Massachusetts	1,997	1,259	738	4.8%	23,134
District 4, Massachusetts	1,678	796	882	4.0%	18,712
District 5, Massachusetts	1,621	776	845	4.1%	19,069
District 6, Massachusetts	2,968	1,765	1,203	7.2%	34,189
District 7, Massachusetts	1,932	570	1,362	4.6%	21,812
District 8, Massachusetts	4,809	2,595	2,214	11.3%	50,837
District 9, Massachusetts	2,210	1,054	1,156	5.5%	25,540
District 10, Massachusetts	2,393	1,030	1,363	5.3%	26,879
District 1, Michigan	1,482	788	694	3.2%	15,942
District 2, Michigan	2,350	1,238	1,112	5.3%	26,436
District 3, Michigan	1,503	765	738	3.4%	16,678
District 4, Michigan	1,813	792	1,021	4.0%	20,135
District 5, Michigan	1,486	699	787	3.4%	16,086
District 6, Michigan	1,441	744	697	3.2%	15,691
District 7, Michigan	1,277	485	792	2.9%	14,183
District 8, Michigan	1,517	832	685	3.4%	17,296
District 9, Michigan	2,359	1,341	1,018	5.1%	25,696
District 10, Michigan	1,508	778	730	3.3%	17,353
District 11, Michigan	1,157	952	205	2.6%	13,248
District 12, Michigan	1,323	791	532	2.9%	14,077
District 13, Michigan	834	551	283	2.2%	9,197
District 14, Michigan	829	558	271	2.1%	9,248
District 15, Michigan	1,822	1,152	670	4.1%	20,439
District 1, Minnesota	1,014	464	550	2.4%	10,966
District 2, Minnesota	1,920	1,017	903	4.4%	22,323
District 3, Minnesota	2,376	1,187	1,189	5.5%	25,993
District 4, Minnesota	2,303	773	1,530	5.6%	24,223
District 5, Minnesota	4,133	2,927	1,206	9.5%	42,124
District 6, Minnesota	1,822	967	855	4.2%	21,516
District 7, Minnesota	1,183	512	671	2.8%	12,722
District 8, Minnesota	1,330	668	662	2.9%	14,241
District 1, Mississippi	1,420	491	929	3.0%	16,307
District 2, Mississippi	589	406	183	1.4%	6,506
District 3, Mississippi	853	558	295	1.8%	9,576
District 4, Mississippi	1,468	915	553	3.1%	16,474
District 1, Missouri	864	478	386	2.1%	9,149
District 2, Missouri	2,589	1,378	1,211	6.0%	30,236
District 3, Missouri	1,967	1,414	553	4.5%	21,474
District 4, Missouri	1,030	705	325	2.4%	11,453
District 5, Missouri	2,629	2,039	590	6.0%	27,639
District 6, Missouri	1,960	802	1,158	4.5%	21,555
District 7, Missouri	785	335	450	1.7%	8,528
District 8, Missouri	1,344	584	760	3.1%	14,567
District 9, Missouri	1,554	692	862	3.6%	16,863
District (at Large), Montana	1,662	806	856	2.6%	18,703

District 1, Nebraska	1,215	699	516	3.0%	13,147
District 2, Nebraska	1,632	1,117	515	4.1%	17,719
District 3, Nebraska	1,139	560	579	2.9%	12,111
District 1, Nevada	2,048	851	1,197	4.3%	23,419
District 2, Nevada	1,773	784	989	3.6%	20,178
District 3, Nevada	2,196	1,089	1,107	3.8%	24,978
District 1, New Hampshire	2,667	982	1,685	6.2%	30,396
District 2, New Hampshire	2,911	971	1,940	7.0%	33,406
District 1, New Jersey	1,674	1,036	638	4.0%	19,369
District 2, New Jersey	1,480	855	625	3.4%	16,918
District 3, New Jersey	1,672	1,013	659	3.7%	19,396
District 4, New Jersey	1,513	807	706	3.5%	17,541
District 5, New Jersey	678	383	295	1.7%	8,178
District 6, New Jersey	2,220	1,268	952	5.5%	26,446
District 7, New Jersey	1,519	777	742	3.8%	18,764
District 8, New Jersey	2,007	1,206	801	5.2%	24,736
District 9, New Jersey	780	704	76	1.8%	9,320
District 10, New Jersey	2,038	1,240	798	5.2%	24,121
District 11, New Jersey	1,752	756	996	4.3%	21,234
District 12, New Jersey	2,036	1,104	932	5.0%	24,662
District 13, New Jersey	1,308	976	332	3.2%	15,281
District 1, New Mexico	2,451	1,167	1,284	5.4%	26,079
District 2, New Mexico	2,085	1,451	634	5.3%	23,604
District 3, New Mexico	1,527	781	746	3.9%	18,311
District 1, New York	1,687	700	987	4.2%	21,359
District 2, New York	1,500	886	614	4.1%	20,174
District 3, New York	1,159	295	864	3.1%	15,058
District 4, New York	1,582	814	768	4.4%	21,646
District 5, New York	999	485	514	2.6%	13,222
District 6, New York	589	305	284	1.7%	8,054
District 7, New York	1,349	783	566	3.3%	16,617
District 8, New York	5,556	4,398	1,158	10.6%	58,871
District 9, New York	1,383	481	902	3.3%	16,484
District 10, New York	1,403	458	945	3.5%	16,447
District 11, New York	2,159	970	1,189	5.3%	25,266
District 12, New York	1,454	835	619	3.7%	17,567
District 13, New York	1,467	670	797	3.5%	18,141
District 14, New York	3,375	2,313	1,062	6.1%	33,509
District 15, New York	1,694	807	887	3.9%	18,706
District 16, New York	1,306	934	372	3.4%	14,529
District 17, New York	1,428	471	957	3.6%	17,285
District 18, New York	1,857	1,117	740	4.7%	22,622
District 19, New York	1,112	534	578	2.8%	13,703
District 20, New York	2,077	881	1,196	4.7%	23,621
District 21, New York	1,619	962	657	3.5%	17,422
District 22, New York	1,746	849	897	4.0%	19,527
District 23, New York	1,488	812	676	3.5%	16,418
District 24, New York	1,909	861	1,048	4.4%	20,893
District 25, New York	2,091	777	1,314	4.7%	22,763

District 26, New York	1,394	1,034	360	3.3%	15,692
District 27, New York	1,413	540	873	3.1%	14,987
District 28, New York	2,230	1,475	755	5.1%	22,716
District 29, New York	1,828	820	1,008	4.2%	20,091
District 1, North Carolina	612	427	185	1.5%	6,642
District 2, North Carolina	1,757	1,007	750	4.2%	19,582
District 3, North Carolina	1,271	712	559	2.9%	13,305
District 4, North Carolina	2,107	884	1,223	4.4%	22,469
District 5, North Carolina	1,265	729	536	2.8%	13,829
District 6, North Carolina	1,200	1,010	190	2.7%	13,386
District 7, North Carolina	1,272	361	911	2.8%	13,642
District 8, North Carolina	1,040	552	488	2.4%	11,216
District 9, North Carolina	1,670	937	733	3.4%	18,161
District 10, North Carolina	1,362	628	734	3.1%	15,045
District 11, North Carolina	2,275	897	1,378	4.8%	23,997
District 12, North Carolina	1,591	1,092	499	3.6%	16,584
District 13, North Carolina	2,226	1,223	1,003	4.8%	23,927
District (at Large), North Dakota	1,070	607	463	2.3%	11,003
District 1, Ohio	1,134	410	724	2.7%	11,647
District 2, Ohio	2,156	1,158	998	4.9%	23,697
District 3, Ohio	1,526	754	772	3.5%	16,488
District 4, Ohio	1,633	707	926	3.9%	17,736
District 5, Ohio	1,320	878	442	3.2%	14,762
District 6, Ohio	1,382	1,019	363	3.3%	15,415
District 7, Ohio	1,110	789	321	2.6%	12,460
District 8, Ohio	1,062	622	440	2.5%	11,896
District 9, Ohio	2,180	884	1,296	5.2%	23,530
District 10, Ohio	2,140	1,586	554	5.0%	22,798
District 11, Ohio	1,374	570	804	3.3%	13,711
District 12, Ohio	2,989	1,395	1,594	6.5%	32,131
District 13, Ohio	1,739	586	1,153	4.0%	19,324
District 14, Ohio	1,556	930	626	3.6%	17,880
District 15, Ohio	2,568	1,146	1,422	5.8%	27,138
District 16, Ohio	1,364	683	681	3.3%	15,432
District 17, Ohio	1,928	1,153	775	4.6%	21,134
District 18, Ohio	1,508	450	1,058	3.6%	17,211
District 1, Oklahoma	2,133	1,186	947	4.4%	23,007
District 2, Oklahoma	922	378	544	2.0%	10,452
District 3, Oklahoma	1,483	607	876	3.3%	16,761
District 4, Oklahoma	1,719	587	1,132	3.6%	19,053
District 5, Oklahoma	1,902	996	906	3.8%	19,850
District 1, Oregon	2,583	1,318	1,265	5.3%	29,117
District 2, Oregon	1,457	788	669	2.9%	16,072
District 3, Oregon	3,333	1,825	1,508	6.9%	36,541
District 4, Oregon	1,181	585	596	2.4%	13,058
District 5, Oregon	2,345	823	1,522	5.0%	26,961
District 1, Pennsylvania	2,069	961	1,108	5.2%	22,805
District 2, Pennsylvania	1,740	629	1,111	4.2%	18,074
District 3, Pennsylvania	1,143	722	421	2.7%	12,513

District 4, Pennsylvania	1,168	790	378	2.7%	13,001
District 5, Pennsylvania	1,419	566	853	3.3%	15,697
District 6, Pennsylvania	1,616	780	836	3.6%	18,486
District 7, Pennsylvania	2,206	1,130	1,076	5.2%	25,308
District 8, Pennsylvania	1,468	637	831	3.5%	17,607
District 9, Pennsylvania	1,187	626	561	2.7%	13,216
District 10, Pennsylvania	1,354	691	663	3.1%	14,763
District 11, Pennsylvania	1,152	571	581	2.5%	12,754
District 12, Pennsylvania	833	468	365	1.9%	9,020
District 13, Pennsylvania	1,792	601	1,191	4.3%	20,374
District 14, Pennsylvania	1,444	964	480	3.2%	14,266
District 15, Pennsylvania	1,774	780	994	4.0%	20,220
District 16, Pennsylvania	1,831	934	897	4.3%	20,775
District 17, Pennsylvania	1,883	1,223	660	4.2%	20,501
District 18, Pennsylvania	1,346	884	462	3.0%	14,809
District 19, Pennsylvania	1,788	837	951	3.9%	19,989
District 1, Rhode Island	1,191	502	689	3.5%	13,492
District 2, Rhode Island	1,185	512	673	3.4%	13,547
District 1, South Carolina	3,152	1,232	1,920	6.1%	34,374
District 2, South Carolina	1,965	931	1,034	4.1%	21,525
District 3, South Carolina	1,187	530	657	2.6%	13,160
District 4, South Carolina	1,861	776	1,085	4.0%	20,627
District 5, South Carolina	1,475	668	807	3.3%	16,817
District 6, South Carolina	923	627	296	2.2%	10,228
District (at Large), South Dakota	998	569	429	1.9%	10,554
District 1, Tennessee	978	701	277	2.1%	10,708
District 2, Tennessee	2,227	1,434	793	4.7%	24,430
District 3, Tennessee	1,488	810	678	3.3%	16,248
District 4, Tennessee	1,455	802	653	3.3%	16,519
District 5, Tennessee	2,216	1,355	861	4.9%	22,711
District 6, Tennessee	1,605	634	971	3.4%	18,017
District 7, Tennessee	1,370	796	574	3.1%	15,991
District 8, Tennessee	1,022	716	306	2.4%	11,226
District 9, Tennessee	1,209	421	788	2.9%	12,561
District 1, Texas	752	310	442	1.8%	8,604
District 2, Texas	1,669	1,022	647	3.9%	19,108
District 3, Texas	1,999	968	1,031	4.1%	23,327
District 4, Texas	1,357	830	527	3.1%	16,003
District 5, Texas	806	537	269	1.9%	9,476
District 6, Texas	1,630	633	997	3.7%	19,213
District 7, Texas	2,229	1,845	384	4.4%	23,601
District 8, Texas	1,644	1,174	470	3.7%	19,435
District 9, Texas	1,728	1,058	670	4.4%	20,542
District 10, Texas	1,551	664	887	3.1%	17,959
District 11, Texas	866	635	231	2.0%	9,560
District 12, Texas	1,995	831	1,164	4.4%	23,632
District 13, Texas	663	447	216	1.6%	7,178
District 14, Texas	922	276	646	2.1%	10,780
District 15, Texas	999	606	393	2.5%	12,403

District 16, Texas	1,210	706	504	3.2%	15,005
District 17, Texas	1,092	733	359	2.6%	12,852
District 18, Texas	1,481	747	734	3.8%	16,863
District 19, Texas	1,167	653	514	2.8%	12,564
District 20, Texas	1,199	721	478	3.2%	14,209
District 21, Texas	2,781	829	1,952	5.5%	31,076
District 22, Texas	1,901	1,009	892	4.3%	24,382
District 23, Texas	1,653	1,198	455	3.9%	20,361
District 24, Texas	1,393	672	721	3.0%	16,100
District 25, Texas	1,419	870	549	3.6%	17,235
District 26, Texas	2,297	1,127	1,170	5.2%	27,582
District 27, Texas	1,282	674	608	3.4%	15,694
District 28, Texas	1,029	514	515	2.7%	12,935
District 29, Texas	1,031	808	223	3.1%	13,599
District 30, Texas	1,904	1,311	593	4.9%	21,901
District 31, Texas	2,408	1,421	987	5.5%	27,820
District 32, Texas	3,366	2,306	1,060	8.2%	38,842
District 1, Utah	1,365	818	547	3.0%	16,760
District 2, Utah	1,777	879	898	3.7%	21,129
District 3, Utah	1,165	612	553	2.8%	15,656
District (at Large), Vermont	2,157	1,124	1,033	5.1%	23,871
District 1, Virginia	1,448	577	871	3.1%	16,731
District 2, Virginia	2,126	1,351	775	5.3%	23,736
District 3, Virginia	1,654	841	813	3.8%	16,893
District 4, Virginia	1,348	755	593	3.1%	15,472
District 5, Virginia	1,390	663	727	3.0%	15,167
District 6, Virginia	1,910	975	935	4.2%	20,410
District 7, Virginia	1,545	729	816	3.3%	17,341
District 8, Virginia	3,489	1,977	1,512	7.4%	37,479
District 9, Virginia	1,033	616	417	2.3%	11,357
District 10, Virginia	1,349	765	584	2.9%	16,230
District 11, Virginia	2,381	1,540	841	5.6%	29,052
District 1, Washington	1,767	840	927	3.7%	19,770
District 2, Washington	1,661	660	1,001	3.6%	18,649
District 3, Washington	3,249	1,571	1,678	6.9%	38,002
District 4, Washington	1,839	800	1,039	4.4%	21,926
District 5, Washington	2,071	1,020	1,051	4.5%	22,389
District 6, Washington	2,323	1,241	1,082	4.9%	25,130
District 7, Washington	6,628	3,682	2,946	13.2%	67,652
District 8, Washington	2,873	1,237	1,636	6.3%	33,167
District 9, Washington	1,492	711	781	3.4%	16,813
District 1, West Virginia	1,318	1,025	293	3.1%	14,328
District 2, West Virginia	1,066	442	624	2.5%	11,756
District 3, West Virginia	1,039	282	757	2.5%	11,572
District 1, Wisconsin	1,726	956	770	3.7%	19,321
District 2, Wisconsin	2,850	1,216	1,634	5.7%	30,679
District 3, Wisconsin	1,478	663	815	3.1%	16,079
District 4, Wisconsin	1,857	707	1,150	4.2%	18,827
District 5, Wisconsin	1,428	691	737	3.0%	15,828

District 6, Wisconsin	1,161	437	724	2.5%	12,471
District 7, Wisconsin	2,291	1,205	1,086	4.7%	24,480
District 8, Wisconsin	2,103	1,034	1,069	4.4%	22,710
District (at Large), Wyoming	1,044	667	377	3.0%	11,419

STATE OF NEW HAMPSHIRE

SB 427 STUDY COMMISSION  
TO STUDY ALL ASPECTS OF SAME SEX CIVIL MARRIAGE  
AND THE LEGAL EQUIVALENTS THEREOF,  
WHETHER REFERRED TO AS CIVIL UNIONS,  
DOMESTIC PARTNERSHIPS, OR OTHERWISE

**Testimony of Nancy Cott**

Trumbull Professor of American History at Harvard University

September 19, 2005

My name is Nancy Cott. I am the Jonathan Trumbull Professor of American History at Harvard University, and Pforzheimer Foundation Director of the Schlesinger Library on the History of Women in America, Radcliffe Institute for Advanced Study. Since receiving my Ph.D. in History of American Civilization from Brandeis University in 1974, I have taught history, principally at Yale University, where I was a professor for twenty-six years before moving to Harvard in 2002. I teach graduate students and undergraduates, and my field is American social history and the history of the family. My curriculum vitae, which lists my extensive publications, educational background, and professional experience, will be shared with you at the conclusion of my testimony. See Exhibit A (Curriculum Vitae).

One of my areas of expertise is in the history of marriage. I have written a book on the history of marriage in America, entitled *Public Vows: A History of Marriage and*



*the Nation* (Harvard Univ. Press, 2000).<sup>1</sup> I spent over ten years researching and writing *Public Vows*, which discusses marriage as a public institution in our society.

I appreciate the opportunity to speak with you as an expert on the history of marriage in the United States. I want to make three major points today. First, marriage is a unique institution in our society that has no parallel. Second, marriage in the United States has historically been a civil matter, controlled and authorized by state officials and distinct from religious rites performed within the confines of a religious community. Third, the institution of marriage has undergone a lengthy process of change in which its character and requirements have responded to evolving social, cultural, and economic conditions. The inclusion of same-sex couples within this institution would continue the historic process of adaptation to social change.

#### **I. Marriage Is Unique In Our Society.**

Having spent many years researching marriage, including its history, its rights and obligations, and its social meaning, I have concluded that there is nothing that has all the same obligations, rights and benefits as marriage but marriage itself. Many benefits and obligations are linked to marriage in the United States, including immigration and citizenship, tax policy preferences, and property rules.

However, marriage is not just a bundle of rights. Legal marriage is, and has been for hundreds of years, a privileged status. My years of research have led me to conclude that the title of “marriage” brings with it not only legal rights and obligations, but also a special status. Being married reflects not only personal choice, but also one’s status in

---

<sup>1</sup> As noted on my attached curriculum vitae, I have written six other published books as well, including The Bonds of Womanhood (Yale U. Press, 1977); The Grounding of Modern Feminism (Yale U. Press, 1987), A Woman Making History: Mary Ritter Beard through her Letters (Yale U. Press, 1991).

the community and in society. This special status exists in large part because marriage has been authorized by state governments and encouraged by the federal government for so many years. Marriage has an attribute of legitimacy that has been earned through many years of validation and institutionalization by governments and society. The idea that marriage is the happy ending, the ultimate reward and a definitive expression of love and commitment is deeply ingrained in our society-- reflected in and perpetuated through law, custom, song and story.

## **II. Marriage is a Legal Status Created by the State: Historical Background.**

Although marriage is often thought of as a religious institution, in fact, marriage in the United States has always been authorized by civil law. To be sure, marriage is invested with religious significance for many Americans. Though religious bodies may wish to impose their views of what marriage is and should be on the broader society, marriage in the United States has always been a legal status, an institution authorized by civil law and controlled by state authorities to serve the purposes of civil society.

Marriage developed this way in the United States for a number of historical reasons, including England's break from the Catholic Church preceding British colonization of North America. Between 1500 and 1800 there was a great deal of conflict between church and state in European monarchies -- over the power to control marriage as well as other things. In Protestant monarchies such as Britain, the king (or the civil power) took control. Also, the colonists who came to America followed a number of different religions. The great majority of colonists believed in basic tenets of Christian marriage, but they did not all share the same religious traditions, nor did the Church of England succeed in establishing ecclesiastical control over marriage in

America such as it had in England. The United States developed into a nation of religious pluralism and religious toleration—and established secular control over the making and breaking of marriages.

All nations in which representative democracy and religious toleration came into existence eventually instituted civil marriage, because it is the one form that does not place a sectarian requirement on individuals who wish to marry. The United States, Protestant-dominated and a representative democracy at its very founding, has always had a tradition and practice of civil authority over marriage.

New Hampshire is no different. New Hampshire establishes the status of marriage through the issuance of a license, which must precede the marriage ceremony. Once solemnized by an authorized civil or religious official, civil marriage is a status that is recognized legally, socially, and politically, regardless of the couple's religious background. Civil marriage binds the couple in a legal relationship affirmatively encouraged by the state through the bundling of the legal status with a myriad of rights, protections and obligations. These protections and obligations arise whether or not any clerical representative or religious body has sanctioned the union.

The tradition of civil marriage as practiced in New Hampshire does not impair the religious autonomy of any church or religious tradition, nor its freedom to perform supplementary faith-based wedding ceremonies. Such ceremonies are regulated entirely by and within each religious community's system of beliefs. When religious rites join couples in a union, this in itself does not confer the legal status of marriage, nor give rise to any rights or obligations apart from those dictated by faith or religious and cultural tradition within the religious community. In keeping with the traditions of their faith,

religious leaders may pass judgment upon the suitability of potential couples for religious unions. They are not compelled to accept the state's definition of civil marriage, and indeed, many religious institutions do not accept it. In fact, many religious definitions of marriage are more restrictive than the state's definition, for example, rejecting interfaith marriages or re-marriages after divorce. Still others are more inclusive than New Hampshire's present definition, blessing the unions of committed same-sex couples.

### **III. The Evolution Of Marriage.**

Marriage in the United States has been a flexible rather than a static or immutable institution. As with other successful civil institutions, marriage has evolved over time to reflect changes in society at large. These changes were necessary to preserve the value and relevance of marriage in our dynamic society. Of course, this does not mean that changes in marriage were always readily welcomed or that they were not difficult for some people to accept. Indeed, many features of modern marriage, which we today take for granted, were very much resisted as they were coming into being, and were viewed by opponents as threatening to destroy the institution of marriage itself.

Marriage has changed in many ways. I now turn to three specific ways in which marriage has changed over time, and which I believe exemplify the extent to which marriage has been resilient, absorbing change when necessary to reflect and embody societal norms: (a) women's status within marriage; (b) racial regulation of marriage; and (c) divorce.

#### **A. The Status of Women in Marriage.**

Since our country's founding, marriage laws have undergone many changes to reflect changing societal views about the status and equality of women. Traditionally,

marriage law was based on the legal fiction that married couples were a single entity, with the husband serving as the legal, economic and political representative of that unit. This doctrine of marital unity was called coverture. Under the oldest formulations of the coverture doctrine, for example, husbands and wives could not enter into enforceable agreements between themselves, because the wife had no separate legal existence. According to law, married women could not own or dispose of property, earn money, or sue or be sued in their own name. This legal regime reflected society's view of the marital couple as a unit naturally headed by the husband, a view that, in turn, reflected society's views about the proper role of men and women in society. However, during the 1800s, with women increasingly making their own voices heard and needing to earn wages, the notion that married women had no legal individuality apart from their husbands began to clash with the realities of the developing society. Rather than view marriage as immutable in definition, courts and legislatures altered marriage rules to take account of spouses' actual relationships with each other and society. Coverture, which had for hundreds of years been understood as basic and essential to marriage, was eliminated.

The rule of coverture was rejected by the New Hampshire legislature as early as 1846 (Acts 1846, c. 347, 1846 Comp St. ch. 158, sec. 15; Laws, June session, 1846, p. 308), with the first married women's property act. This had the effect of recognizing married women as legal and economic individuals. Such a breakdown of the legal and popular doctrine of marital unity-- the idea that the husband and wife were one-- was seen by opponents as causing an absolute revolution in marriage. Nonetheless, by 1890, the New Hampshire high court asserted that "it is not open to question that the tendency

of legislation in this state for many years has been to put the husband and wife upon an exact equality before the law.” *Seaver v. Adams*, 66 N.H. 142, 19 A. 776 (1890).

Despite these changes in New Hampshire and elsewhere, marriage laws continued to reflect preconceived notions about gender roles and the inequality of the sexes well into the twentieth century. New Hampshire enacted subsequent equalizing provisions for many decades, in order to perfect the end of coverture, and to enable marriage laws to reflect the modern view of marriage as an arrangement between two equal and consenting parties.

#### **B. Racial Regulation in Marriage.**

Laws governing interracial marriage and marriage by racial minorities also have undergone fundamental changes since the colonial era, reflecting society’s changing views on racial equality and individual rights. Before the emancipation of slaves in the United States, slaves could not legally marry. Although slaves often formed lasting unions and family units, which some slave holders encouraged when it served their interests, slaves could not marry because they lacked all civil rights and did not have the legal capacity to consent. This is one of the reasons that after emancipation, slaves flocked to get married legally. They saw marriage as an expression of their civil rights; now being individuals in the eyes of the law, they could consent and therefore could enter into legal marriage.

But even after emancipation, most states still had laws prohibiting marriage between a white person and a person who was defined as a Negro or mulatto. New Hampshire was unusual in never having such a law—for these laws were widespread, existing in forty-one states or territories for some time in their histories. In addition to

laws preventing white people from marrying either Negroes and mulattos, some states also had laws about criminalizing marriages between white people and Native Americans, or, in some Western states, Asians of certain descriptions. These laws were justified on several grounds, but were usually said to enact what nature or God dictated and to prevent “corruption” of the institution of marriage.

The authorities who passed these laws considered restrictions on interracial marriages to be not only correct but also an intrinsic part of marriage law. However, over time, these laws were deemed to be based on invalid cultural stereotypes and inconsistent with the equal rights of non-whites. In addition, laws restricting interracial marriage were seen as antithetical to the concept of marriage as founded on consent and choice. The right to marry was determined to be a fundamental civil right. *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); *Skinner v. Oklahoma ex rel. Williamson*, 316 U.S. 535, 541 (1942). California was the first state to find that restrictions on interracial marriages were unconstitutional. In 1948, the California Supreme Court recognized that the right to marry is a “fundamental right” that is ““essential to the orderly pursuit of happiness by free men,”” *Perez v. Sharp*, 32 Cal. 2d 711, 714 (1948), and therefore struck down that state’s legislation banning interracial marriage. The *Perez* case sparked debate in other states about whether marriage laws should be changed to reflect society’s evolving views about racial equality. Eventually, in 1967, the U.S. Supreme Court struck down all laws banning interracial marriage in *Loving v. Virginia*, 388 U.S. 1 (1967). Today, virtually no one questions the legal right of individuals of different races to marry.

As in the case of laws regulating the status of women in marriage, laws concerning interracial marriage changed over time to reflect the society’s eventual

recognition of racial equality. In 1967, the Supreme Court decision overturned a custom and legal practice in marriage that had been in place for three centuries, since its origin in the American colonies. Affirming that freedom of choice of one's partner was basic to the civil right to marry, the Court strengthened and validated the institution of marriage within society.

### **C. Divorce.**

The laws regulating divorce also have evolved to reflect society's views about equality of the sexes and about marriage as an embodiment of choice and consent. Divorce is now so frequent that lifelong marriage is more of an abstract ideal than a majority practice. But the expansion of grounds for divorce was hotly debated all through the nineteenth century. Critics viewed divorce as anathema to the institution of marriage, and major religions opposed divorce entirely or accepted only adultery as justification for divorce. Proponents of legal modes of divorce did not intend to undermine marriage, but rather sought to preserve and protect it by establishing rules designed to ensure that people did what they were supposed to do in a marriage, *i.e.*, that they fulfilled the obligations that society expected of a husband or wife. Proponents also wanted to provide a vehicle for legal separations, rather than countenance informal desertions and marital breakups that occurred in the absence of divorce laws.

The justification for divorce in the United States lay in the Protestant belief that marriage was a civil matter joined by consent, or in other words, a contract. Some Protestant leaders as early as the sixteenth century believed that if one party in marriage was not observing the contractual obligations, the contract ought to be able to be terminated. Most American states allowed divorce soon after the American Revolution. Divorce



originally was an adversarial proceeding, which recognized that state authorities had set the terms of valid marriage. To obtain divorce one spouse had to show in court that the other spouse, the guilty party, had broken the terms the state set -- by deserting, for instance, or failing to provide, or committing adultery. Divorce grounds expanded gradually, as states recognized that people were breaking up their marriages for many reasons: states wanted to set the terms of separation to make things more orderly and to have some control over post-divorce support obligations.

Divorce became more common during the twentieth century. Since it had to be conducted as an adversarial proceeding, some spouses whose marriages had simply broken down on both sides began colluding to make it look as if the requisite conditions had been met. The move to "no-fault" divorce in the 1960s and 1970s intended to bring the law into synch with what was happening in practice. With no-fault divorce, the couple gets to say what the reasons are that the marriage ought to end. This approach was quickly embraced as a way to deal honestly with marital breakdown. By 1977, all but three U.S. states had adopted some form of no-fault divorce, reflecting society's ascendant view that spouses themselves should judge how adequately they were fulfilling their marital roles. This represented a vast change from the nineteenth century view, in which the state's requirements were the determinant in the question whether a marriage might end. The state now leaves it up to the spouses whether they want the marriage to continue. Notably, the state is still involved in approving the separation terms and making sure that children, especially, will still have means of support.

#### IV. CONCLUSION

Many of the things that seemed self-evident about marriage in 1850 no longer seemed so in 1950; those that seemed self-evident in 1905 do not seem so in 2005. The institutions that really stay with us, like the Constitution of the United States, do so only because they change. Keeping something in a rigid form does not prove to be the best way to make it last. The institution of marriage has absorbed many changes and proved extremely resilient, which shows that it is something people do want to continue to honor and keep. The fact that marriage remains a vital and relevant institution is a tribute to the law's ability to accommodate changing values. Marriage has evolved into a civil institution through which the state formally recognizes and ennobles individuals' choices to enter into long-term, committed, intimate relationships. These relationships are founded on the free choice of the parties and their continuing mutual consent to stay together. Marriage has come to represent a zone of personal freedom and personal choice. New Hampshire marriage law bundles social rewards and legal obligations to encourage parties to choose committed relations over transient ones. Permitting same-sex couples to marry would serve to advance this traditional aim. If anything, allowing same-sex couples to marry should strengthen marriage by showing that individuals who have previously not been able to marry also place high value on the institution. In every way except the difference of sex, marriages of same-sex couples reiterate the traditional values of monogamy. It may be that this change—the extension of marriage to same-sex couples—is actually positive for the continuation of the marriage institution.

I appreciate the opportunity to speak with you today and thank you for listening to a historian's perspective on the evolving nature of civil marriage.

**NANCY F. COTT**

[ncott@fas.harvard.edu](mailto:ncott@fas.harvard.edu)

Jonathan Trumbull Professor of American History, Harvard University, and Carl and Lily Pforzheimer Foundation Director of the Schlesinger Library on the History of Women in America, Radcliffe Institute for Advanced Study

Department of History,  
Harvard University  
Cambridge MA 02138  
tel. 617-495-3085

Schlesinger Library  
10 Garden St.  
Cambridge MA 02138  
tel. 617-495-8647

**EDUCATION:**

Ph.D. 1974, in History of American Civilization, Brandeis University.

M.A. 1969, in History of American Civilization, Brandeis University.

B.A. 1967, magna cum laude in History, Cornell University.

**TEACHING APPOINTMENTS:**

Harvard University: Professor of History and Pforzheimer Foundation Director of the Schlesinger Library on the History of Women in America, Radcliffe Institute for Advanced Study, 2002—

Centre d'etudes nord-americaines, Ecole des Hautes Etudes en Sciences Sociales, Paris: French-American Foundation Chair, 2003-04.

Yale University: Assistant Professor of History and American Studies, 1975-79; Associate Professor, 1979-86; Professor, 1986-90; Chair of Women's Studies Program, 1980-1987, 1992-93; Chair of American Studies Program, 1994-97; Stanley Woodward Professor of History and American Studies, 1990--2000; William Clyde DeVane Professor, spring 1998; Sterling Professor of History and American Studies, 2001.

Boston Public Library, NEH Learning Library Program, Lecturer, 1975.

Wellesley College: Instructor of History, part-time, 1973-74.

Clark University: Instructor of History, part-time, 1972.

Wheaton College: Instructor of History, part-time, 1971.

**HONORS, FELLOWSHIPS AND GRANTS:**

Fulbright Lectureship Grant (Japan-U.S. Educational Commission), July 2001.

Center for Advanced Study in the Behavioral Sciences, Stanford CA, 1998-99.

Radcliffe College Alumnae Association Graduate Society Medal, 1997.

Visiting Research Scholar, Schlesinger Library, Radcliffe College, 1991, 1997.

National Endowment for the Humanities Fellowship, 1993-94.

Liberal Arts Fellowship in Law, Harvard Law School, 1993-94, 1978-79,.

A. Whitney Griswold grant (Yale Univ.), 1984, 1987, 1988, 1991, 1993, 2000.

American Council of Learned Societies Grant-in-Aid, 1988.

Charles Warren Center Fellowship, Harvard University, 1985.

John Simon Guggenheim Memorial Foundation Fellowship, 1985.

Fellow, Whitney Humanities Center, Yale University, 1983-84, 1987.

Radcliffe Research Scholarship, Spring 1982.

Rockefeller Foundation Humanities Fellowship, 1978-79.  
Phi Beta Kappa, 1966; Phi Kappa Phi, 1967.

#### **PUBLICATIONS: BOOKS**

- Public Vows: A History of Marriage and the Nation (Harvard U. Press, 2000).  
No Small Courage: A History of Women in the United States, editor (Oxford U. Press, 2000).  
Root of Bitterness: Documents of the Social History of American Women, revised edition, coeditor with Jeanne Boydston, Ann Braude, Lori D. Ginzberg, and Molly Ladd-Taylor, Northeastern U. Press, 1996)  
A Woman Making History: Mary Ritter Beard Through Her Letters (Yale U. Press, 1991).  
The Grounding of Modern Feminism (Yale U. Press., 1987).  
A Heritage of Her Own: Towards a New Social History of American Women, coeditor with E. H. Pleck (Simon & Schuster, 1979).  
The Bonds of Womanhood: 'Woman's Sphere' in New England, 1780-1835 (Yale U. Press, 1977; 2d ed. with new preface, 1997).  
Root of Bitterness: Documents of the Social History of American Women (E.P.Dutton, 1972)

#### **PUBLICATIONS: ARTICLES**

- "The Public Stake," in Just Marriage, Mary Lynn Shanley et al., (NY, Oxford U Press, 2004), 33-36.  
"Public Emblem, Private Realm: Family and Polity in the United States," in Democratic Vistas ed. Anthony Kronman, (New Haven, Yale U. Press, 2004).  
"Women's Rights Talk," American Studies in Scandinavia 32:2 (2000), 18-29.  
"Marriage and Women's Citizenship in the United States, 1830-1934," American Historical Review 103:5 (Dec. 1998), 1440-74.  
"Justice for All? Marriage and Deprivation of Citizenship in the United States," in Justice and Injustice, Amherst Series in Law, Jurisprudence & Social Thought, ed. Austin Sarat (Ann Arbor, U. Michigan Press, 1996).  
"Giving Character to Our Whole Civil Polity': Marriage and State Authority in the Late Nineteenth Century," in U.S. History as Women's History, ed. Linda Kerber et al. (Chapel Hill, U. N.C. Press, 1995).  
"Early Twentieth-Century Feminism in Political Context: A Comparative Look at Germany and the United States," in Suffrage & Beyond, ed. Caroline Daley and Melanie Nolan (Auckland, NZ, Auckland U.P., 1994).  
"The Modern Woman of the 1920s, American Style," in La Storia Delle Donne, vol. V, Françoise Thebaud, ed., G. Laterza & Figli (Italy), 1992 (also published in French, Dutch, Spanish and American editions).  
"Two Beards: Coauthorship and the Concept of Civilization," American Quarterly, 42:2 (June 1990).  
"Historical Perspectives: The Equal Rights Amendment in the 1920s," in Conflicts in Feminism, Marianne Hirsch and Evelyn Fox Keller, eds. (N.Y., Routledge, 1990).  
"On Men's History and Women's History," in Meanings for Manhood: Constructions of Masculinity in Victorian America, Mark Carnes and Clyde Griffen, eds., (Chicago, U. Chicago

Press, 1990).

"Across the Great Divide: Women's Politics Before and After 1920," in Women, Politics, and Change, edited by Louise Tilly and Patricia Gurin (N.Y., Russell Sage Foundation, 1990); revised and reprinted in One Woman, One Vote: Rediscovering the Woman Suffrage Movement, ed. M. Wheeler (NewSage, 1995).

"What's in a Name? The Limits of Social Feminism or, Expanding the Vocabulary of Women's History," Journal of American History, 76:3 (December 1989).

"The South and the Nation in the History of Women's Rights," in A New Perspective: Southern Women's Cultural History from the Civil War to Civil Rights, edited by Priscilla C. Little and Robert C. Vaughan (Virginia Foundation for the Humanities, Charlottesville, 1989).

"Beyond Roles, Beyond Spheres: Thinking about Gender in the Early Republic," with Linda Kerber et al., William and Mary Q., 3d ser., 46 (July 1989).

"Women's Rights: Unspeakable Issues in the Constitution," The Yale Review, 77:3 (Spring 1988), 382-96.

"Feminist Theory and Feminist Movements: The Past Before Us," in What is Feminism? edited by Juliet Mitchell and Ann Oakley (Oxford, Basil Blackwell, 1986, and N.Y., Pantheon, 1986).

"Feminist Politics in the 1920s: The National Woman's Party," Journal of American History, 71 (June 1984).

"Passionlessness: An Interpretation of Anglo-American Sexual Ideology, 1790-1840," Signs: A Journal of Women in Culture and Society, 4 (1978).

"Notes Toward an Interpretation of Antebellum Childrearing," The Psychohistory Review 6 (Spring 1978).

"Eighteenth-Century Family and Social Life Revealed in Massachusetts Divorce Records," Journal of Social History, 10 (Fall 1976).

"Divorce and the Changing Status of Women in 18th-Century Massachusetts," William and Mary Quarterly, 3rd ser., 33 (October 1976).

"Young Women in the Second Great Awakening in New England," Feminist Studies, 3 (Fall 1975).

#### **PUBLICATIONS: MISCELLANY**

"Afterword," Tense and Tender Ties, ed. Ann Laura Stoler, forthcoming 2005.

"Janet Flanner" in Notable American Women: Completing the Twentieth Century (Cambridge, Harvard Univ. Press, 2005).

"The Great Demand," in Days of Destiny, James MacPherson and Alan Brinkley, eds., Society of American Historians (Agincourt Press, 2001).

"Considering the State of U.S. Women's History," with others, Journal of Women's History, 15:1 (2003).

Introduction to Jane Levey's "Imagining the Postwar Family," Journal of Women's History, Fall 2001.

"Mary Ritter Beard," in American National Biography (Oxford U. Press, 1999).

"Challenging Boundaries: Introductory Remarks," Yale Journal of Law and Feminism, 9 (1997).

"A Conversation with Eric Foner," culturefront 4:3 (Winter 1995-96).

"Bonnie and Clyde," in Past Imperfect: History and the Movies, ed. Mark Carnes (N.Y., Henry Holt, 1995).

"Privacy"; "Domesticity"; "Mary Ritter Beard"; in A Companion to American Thought, ed. Richard Wightman Fox and James Kloppenberg (Cambridge, Basil Blackwell, 1995).

"Charles A. Beard and Mary Ritter Beard," Readers' Encyclopedia of American History, ed. Eric Foner and John Garraty, 1991.

"Comment on Karen Offen's 'Defining Feminism: A Comparative Historical Approach,'" Signs: Journal of Women in Culture and Society, 15:11 (1989).

Editorial, Special issue of Women's Studies Quarterly, XVI:1/2 Spring/(Summer 1988), "Teaching the New Women's History."

Introduction to A New England Girlhood by Lucy Larcom (Boston, Northeastern U. Press, 1985).

"Women as Law Clerks: Memoir of Catherine G. Waugh," in The Female Autograph, New York Literary Forum, 12-13 (1984).

Afterword to Sarah Eisenstein, Bread and Roses, ed. Harold Benenson (London, Routledge Kegan Paul, 1983).

"Mary Ritter Beard," in Notable American Women: The Modern Period (1980).

#### **PUBLICATIONS: REVIEW ESSAYS**

"Adversarial Invention," American Quarterly, 47:2 (June 1995).

"Patriarchy in America is Different," American Bar Foundation Research Journal, 1987:4 (Fall 1987).

"Women and the Ballot," Reviews in American History, 15:2 (June 1987).

"The House of Feminism," New York Review of Books, 30 (March 17, 1983).

"The Confederate Elite in Crisis: A Woman's View," The Yale Review, 71 (Autumn 1981).

"Liberation Movements in Two Eras," American Quarterly, 32 (Spring 1980).

"Abortion, Birth Control, and Public Policy," The Yale Review, 67 (Summer 1978).

#### **PUBLICATIONS: REVIEWS**

in American Historical Review, American Prospect, Boston Globe, Business History Review, Intellectual History Newsletter, International Labor and Workingclass History, Journal of American History, Journal of Interdisciplinary History, New Mexico Historical Review, New York Times Book Review, Pacific Studies, Signs: A Journal of Women in Culture and Society, The Times Literary Supplement, Women's History Review, and The Yale Review.

#### **PUBLICATIONS: EDITORIAL PROJECTS**

General editor, The Young Oxford History of Women in the United States, 11 volumes, Oxford University Press, 1994.

Editor, History of Women in the United States, 20 volumes (article reprint series), K.G. Saur Publishing Co., 1993-94.

Guest Editor, special issue of Women's Studies Quarterly, XVI:1/2 (Spring/Summer 1988), on "Teaching the New Women's History."

**OTHER PROFESSIONAL ACTIVITIES:****GRANT PROJECTS:**

Dissertation seminar in gender history for graduate students, Mellon Foundation, 2002.  
 Steering Committee, Ford Foundation Project on Women and Gender in the Curriculum in Newly-Coeducational Institutions, 1985-90.  
 Principal Investigator, National Endowment for the Humanities Implementation Grant, "Strengthening Women's Studies at Yale," 1983-86.  
 Principal investigator, National Endowment for the Humanities Pilot Grant to Women's Studies, Yale University, 1981.

**ACADEMIC JOURNALS AND REFERENCE WORKS:**

American National Biography, senior editor, 1989-98.  
American Quarterly, editorial board, 1977-1980.  
Feminist Studies, associate editor, 1977-85, editorial consultant, 1985-97.  
Gender and History, advisory board, 1987-92; editorial collective, 1993-96.  
Journal of American History, editorial board, 1996-99.  
Journal of Social History, editorial board, 1978-.  
Journal of Women's History, editorial board, 1987-98.  
Notable American Women, volume 5, advisory board, 1999-04.  
Orim: A Jewish Journal at Yale, editorial board, 1984-88.  
The Readers' Encyclopedia of American History, advisory board, 1989-91.  
Reviews in American History, editorial board, 1981-85.  
Women's Studies Quarterly, editorial board, 1981-94.  
Yale Journal of Law and the Humanities, advisory board, 1988--.  
The Yale Review, editorial board, 1980-88, 1991-99.

**PROFESSIONAL ORGANIZATIONS, OFFICES:**

Elected member: American Antiquarian Society, Massachusetts Historical Society, Society of American Historians.  
 Organization of American Historians: Binkley-Stephenson Prize Committee, 1987-1990 (chair, 1988); elected member of Nominating Committee, 1993-95 (Chair, 1994-95); elected member of Executive Board, 1997-2000; OAH Lecturer, 1997--.  
 Berkshire Conference of Women Historians: Co-Chair, Eighth Berkshire Conference on the History of Women (1990).  
 American Studies Association: Nominating Committee, 1981-84; National Council, 1987-90;  
American Quarterly Review Committee, 1989.

**ADVISORY BOARDS:**

The Museum of Women/The Leadership Center, New York State, (chair of historians' advisory board) 2000--.  
 Princeton University Program in Women's Studies, 1985-2001.  
 Project on Gender in Context, Mt. Holyoke College, 1982-83.  
 The Correspondence of Lydia Maria Child, 1977-80.

Schlesinger Library on the History of Women, Radcliffe College, 1977-80.

#### **AUDIOVISUAL MEDIA PROJECTS:**

WGBH documentary proposal on the History of Marriage in America, Principal consultant, 2002.

Institute on the Arts and Civic Dialogue, Affiliated Scholar, American Repertory Theatre and W.E.B. DuBois Institute, summer 1999.

Margaret Sanger film project (by Bruce Alfred), Consultant, 1994-96,

"One Woman, One Vote: The Struggle for Woman Suffrage in the U. S.," Advisory Board, Educational Film Center, 1991-95.

"The American Experience," Advisory Board, WGBH-TV, Boston, MA, 1986-90.

Consultant, "Mary Silliman's War," film by Steven Schechter, 1987.

Consultant, "Lowell Fever," film by Made in U.S.A., Inc. 1985-87.

"Legacies: Family History in Sound," radio course on the history of women and the family in the U.S., Advisory Board, 1984-86.

Connecticut Public Radio series, "Choices"/Everyday History, Radio Programs for Children 8 to 12," Consultant, 1982-83.

Dan Klugherz (Film) Productions, N.Y., Consultant, 1981-82.

Stanton Project on Films on Women in American History, Advisory Board, 1974-77.

#### **PRIZE AND FELLOWSHIP SELECTION COMMITTEES:**

Mark Lynton History Book Prize, 2002.

Bunting Institute Fellowship Program, Radcliffe College, 1982, 1996.

American Antiquarian Society Fellowships, 1991, 1992, 1994.

Governors' Prize, Yale University Press, 1990.

American Council of Learned Societies, Fellowships for Recent Recipients of the Ph.D., 1987, 1988, 1990.

Bancroft Prize (Columbia University), 1985.

Radcliffe Research Scholars Program, 1982.

Hamilton Prize, Women and Culture Series, U. Michigan Press, 1981.

#### **CONSULTANT/EVALUATOR (selected list):**

University of Helsinki, city center campus, 2005.

Univ. of California at Santa Barbara, Women's Studies Program, February 2002.

National Endowment for the Humanities, fellowships for university teachers, 1998; media projects, 2001.

History Department, University of Oregon, 1999.

Woodrow Wilson Center Fellowships, 1991, 1992, 1994.

State of Colorado Commission on Higher Education, 1990.

National Humanities Center Fellowships, 1988, 1989, 1991, 1992, 1994.

"Foundations of American Citizenship," curriculum project, Council of Chief State School Officers, 1987.

Connecticut Humanities Council, 1986.



Rockefeller Foundation Gender Roles Fellowships Program, 1985.  
 Radcliffe Research Scholars, 1983.  
 Working Women's History Project, 9 to 5, Organization for Women Office Workers, 1981.  
 Rockefeller Foundation Humanities Fellowships, 1980.

**ACADEMIC LECTURES, PAPERS, COMMENTS DELIVERED** (selected list):

"Boundaries and Binders in History: Revisiting the 1920s Generation," keynote address, Western Association of Women Historians annual meeting, Phoenix, AZ, April 2005.  
 Panelist, "The Political Spectrum of Same-Sex Marriage," conference on Breaking with Tradition: New Frontiers for Same-Sex Marriage, Yale Law School, March 2005.  
 Moderator, "What Sort of a Right is Marriage?" Harvard University Human Rights Program, March 2005.  
 "Gender History and Generations," Women's History Month address, Rutgers-Camden Law School, Camden NJ, March 2005.  
 "Collecting Women's History at the Schlesinger Library," Society of American Archivists annual meeting, August 2004.  
 Colloquium on George Chauncey's Gay New York, Dec. 2003, Ecole Normale Superieur, Paris.  
 Closing Remarks, Library of Congress symposium, "Resourceful Women," June 19-20, 2003.  
 "Women, Men, and Modern Marriage," Ecole des Hautes Etudes en Sciences Sociales, November 2003.  
 "What's Love Got to Do with It? Marriage as a Public Institution in the United States," Fairleigh Dickinson University, March, 2003.  
 Comment, "Revisiting Domesticity: Symbolic Economies of Sex and Gender," American Historical Assoc. annual convention, Washington, D.C., January 2003.  
 "Gendering Colonial America, Making Women's History Colonial: A Roundtable," Berkshire Conference on Women's History, Storrs, CT, June 2002.  
 Comment, panel on "Race and Family in Wartime America: Illegitimacy, Immigration, and the Church," Organization of Amer. Hist. annual convention, Washington, D.C. April 2002.  
 "New Directions in Women's History after 9/11," Brandeis University, March 2002.  
 "The Efficacy of Women's History," Bridgewater State University, March 2002.  
 "Marriage and the Nation," Harvard Law School Legal History Forum, October 2001.  
 "The Family, Citizenship, and Democracy in the United States," University of Tokyo, Japan, July 2001.  
 "Women as Workers, Citizens, and Activists in the Mid-Twentieth-Century U. S." four-seminar series, Ritsumeikan University, Kyoto, Japan, July 2001.  
 "Grooming Citizens: Marriage in the Political History of the United States," Kyoto American Studies Seminar, Kyoto, Japan, July 2001.  
 "Public Sanctity for a Private Realm: The Family, the Rhetoric of Democracy, and Constitutional Values in the U.S.," Bacon Lecture on the Constitution, Boston Univ., May 2001.  
 "Democracy and the Family," Yale Tercentennial Series "Democratic Vistas," April 2001.  
 "Marriage and the Nation: Historical Perspectives," Northeastern University Feminist Studies Colloquium, March 2001.

- "Public Vows: On Marriage and the Nation in the Early Twentieth-Century U.S.," Center for Historical Study, U. Maryland, College Park, October 2000.
- Seminar on the History of the Atlantic World, 1500-1800, Harvard Univ., August 2000.
- "Marriage Revised and Revived," AYA faculty lecture, Yale Univ. Reunion, May, 2000.
- Comment, session on "The Idea of Marriage: The British Atlantic Context," International "Reflections on Women and/in Authority," Women, Justice, and Authority: A Working Conference, Yale Law School, April 28, 2000.
- "Grooming Citizens: Marriage and the Civic Order in the United States," In the Company of Scholars Lecture Series, Yale University Graduate School, April 2000.
- "Public Vows: Marriage as a Public Institution," History Department, Stanford University, January 2000.
- "An Archaeology of American Monogamy," History Department, Northwestern Univ., October 1999.
- "The Modern Architecture of Marriage," Gender and Policy Workshop, Department of Economic History, Stockholm University, Stockholm, Sweden, October 1999.
- "Women's Rights Talk," conference on "Rights--Civil, Human, and Natural," University of Southern Denmark, Odense, Denmark, October 1999.
- Comment, "Making and Breaking Marriages: Reconsidering American Families through the Law, Berkshire Conference on the History of Women, June 1999.
- "Marriage Fraud in the Making of Immigration Restriction in the U.S." Center for Cultural Studies, Univ. of California, Santa Cruz, May 1999.
- Panel discussant, women and citizenship, Univ. of California, Berkeley, October 1998.
- "An Approach to Citizenship through Gender History," Univ. of Colorado at Colorado Springs, February 1999.
- "Marriage and Citizenship," Legal Theory Workshop, Yale Law School, October 1998.
- Comment, "Public Policy and Marriage," American Society for Legal History, Seattle, WA, October, 1998.
- "Thinking about Citizenship and Nationality through Women's History," keynote address, Australian Historical Association, Sydney, Australia, July 1998.
- "Race, Blood, and Citizenship: A Gendered Perspective on U.S. Immigration Restriction, 1895-1917," International Federation for Research in Women's History conference, Melbourne, Australia, June 1998.
- Introduction, Conference on Sexual Harassment Law, Yale Law School, February 1998.
- "Marriage and Public Policy: The Politicization of Marriage in the 1850s," Schlesinger Library, Radcliffe College, May 1997.
- Comment, "Association-Building in America," Organization of American Historians annual convention, San Francisco, April 1997.
- "Writing American Women's History: Retrospect on Nineteenth Century Domesticity," Clarion University, Clarion, Pa., April 1997.
- "Against Equality: Mary Ritter Beard and Feminism," DePauw University, March 1997.
- "Marriage and Women's Citizenship: A Historical Excursion," N.Y.U. Law School, March 1997.
- Discussant, "One Woman, One Vote: Painting a 70-year Battle on a 2-hour TV Canvas," Berkshire Conference on the History of Women, June 1996, U.N.C.

- Chair, "International Feminism, 1840-1945," American Historical Association annual convention, January 1996, Atlanta, Ga.
- "The Gender of Citizenship and the 19th Amendment," keynote address, University of Texas 8th Biennial Graduate Student Historical Symposium, Austin, Oct. 1995; Women's History Week lecture, Fitchburg State College, Fitchburg Mass., March 1996.
- "Effects of the 19th Amendment," Delaware Heritage Commission Conference on the 75th Anniversary of the 19th Amendment, Delaware State Univ., November, 1995.
- "Forming the Body Politic: Gender, Race, and Citizenship Traditions in the U.S.," John Dewey Lecture in the Philosophy of Law, Harvard Law School, October 1994; Jane Ruby Humanities Fund Lecture, Wheaton College, March 1995.
- "The Marriage Knot: Gender, Race and Citizenship Policy in the U.S., 1855-1934," UCLA Center for the Study of Women, October 1994.
- Chair and comment, "Debating Democracy in the 19th Century," annual meeting of the Organization of American Historians, Atlanta, GA, April 1994.
- "Justice for All? Marriage, Race, and Deprivation of Citizenship in the Early 20th-Century U.S.," Keck Lecture, Amherst College, February 1994; Harvard University, February 1994.
- "Marriage, Gender, and Public Order," Symposium of the Association for Women's History, Amsterdam, Holland, November 1993.
- "Early Education of Women," symposium on Uncovering Women's History in Museums and Archives, Litchfield (CT) Historical Society, October 1993.
- "Early 20th-century Feminism in Germany and the U.S. Compared," Suffrage Centenary Conference, Wellington, New Zealand, August 1993.
- "Reviewing the Private and the Public through Women's History," Conference for 20 Years of the Edith Kreeger Wolf Distinguished Visiting Professorship, Northwestern Univ., April 1993.
- "Marriage as/and Public Policy in the Late Nineteenth-Century U.S.," annual meeting of the Organization of American Historians, Anaheim, CA, April 1993; Northwestern University History Department, April 1993.
- "Against Equality: Mary Ritter Beard and Feminism," Conference on the 200th Anniversary of Wollstonecraft's Vindication of the Rights of Women, Sussex, England, Dec. 1992.
- "'Enlightenment Respecting Half the Human Race': Mary Ritter Beard and Women's History," Sophia Smith Collection Semi-Centennial, September 1992.
- "Women's History in Contemporary Perspective," Harvard University Women's History Week, March 1992.
- "Educating Women in the U.S.," Founders Day lecture, Mary Baldwin College, Staunton, VA, October 1991.
- "Feminism in the U.S. in the Early 20th Century in Comparative Perspective," German Association for American Studies annual conference, Muenster, Germany, May 1991.
- Comment, "Women and American Political Identity," conference on Political Identity in American Thought, Yale Univ., April 1991.
- "Slavery, Race, and the History of Women's Rights in the U.S.," Trenton State College, NJ, March 1991.
- Comment, "Contextualizing Feminism," annual meeting of the American Historical Association, New York City, December 1990.

- "The Political Isn't Personal: Mary Ritter Beard's View of Women's History," Center for American Culture Studies, Columbia U., October 1990.
- "Mary Ritter Beard and Women's History," N.Y. Public Library, Sept. 1989.
- Chair, "Power in the Early Twentieth Century," Annual Meeting of the Organization of American Historians, St. Louis, April 1989.
- "What's in a Name?: The Limits of Social Feminism," Boston U., January 1989; Brandeis U., September 1989.
- Panelist, "Feminist Theory," 10th Anniversary Celebration of the Women's Studies Program at Brandeis U., November 1988.
- "Reconsidering Individualism and 'Nature Herself' in the Era of Laissez-Faire Constitutionalism," Harvard U., April 1988.
- Panelist, "Individualism," N. Y. U. Humanities Center, March 1988.
- After word, conference on "Masculinity in Victorian America," Barnard College, Columbia U., January 1988.
- Panelist, "Beyond Roles, Beyond Spheres: Thinking about Gender in the Early Republic," U. of Pennsylvania, December 1987.
- Chair, "Women in American Constitutional History at the Bicentennial," Annual Meeting of the American Hist. Assoc., Washington, D.C., December 1987.
- "Women's Rights: Unspeakable Issues in the Constitution," Association of Yale Alumni Faculty Seminar, September 1987, New Haven, CT; Brandeis U., March 1988; Second Annual Lowell Conference on Women's History, Lowell, MA, March 1988; Conference on the Constitution as Historical and Living Document, Dutchess County Community College, April 1988; Richardson American Studies Lecture, Georgetown U., April 1988.
- "How Weird Was Beard? Mary Ritter Beard and American Feminism," Seventh Berkshire Conference on the History of Women, June 1987, Wellesley MA.
- "The Birth of Feminism," Women's Studies Program, Cornell U., March 1987.
- "Feminism and Women's Political Participation in the Early 20th Century," Conference on Women and Citizenship, Women Historians of the Midwest, St. Paul, MN, March 1987.
- "The Power of Communalism: Reflections through Women's History," Historic Communal Societies Conference, October 1986.
- Chair, "Women in the 1950s: An Interdisciplinary Exploration," Annual Meeting of the Organization of American Historians, N.Y., April 1986.
- "Feminism in the 1920s," Boston Area Feminist Colloquium, Northeastern U., January 1986.
- "History of Feminism," Institute for Policy Studies, Washington, D.C., May 1985.
- "Feminist Theory and Feminist Movements: The Past Before Us," Women's History Week, Harvard U., March 1985.
- "Problems of Feminism in the 1920s: the Political Environment," Women's History Series, New York U., February 1985; American Studies Lecture, Smith College, March 1985; Harvard Law School Faculty Colloquium, May 1985.
- "Has Modern Woman Disrupted the Home? 1920s Answers," Wesleyan Center for the Humanities, October 1984.
- "Feminism and Women in Professional Occupations in the 1920s," American Studies lecture, Amherst College, February 1984.

- "Feminism in Transition, 1910-1930," Sixth Berkshire Conference on the History of Women, June 1984, Northampton, MA.
- Comment, "Nineteenth-Century Gender Conventions," Smith-Smithsonian Conference on Conventions of Gender, February 1984.
- "Definitions of Feminism in the Early Twentieth-Century United States," Whitney Humanities Center, Yale U., September 1983.
- "Challenging Myths of Victorian Womanhood," American Psychiatric Association Convention, New York City, May 1983.
- "Women's History and Feminism," Phi Beta Kappa Lecture, Sweet Briar College, February 1983; Sarah Lawrence College, March 1983.
- "Reappraising the History of Feminism in the 1920s," American Studies Series, Boston College, February 1983; History Dept. Series, U. of Virginia, February 1983; Hamilton College, April 1983; Trinity College, April 1983.
- "The Hundred Fragments: Feminism, the Woman Suffrage Coalition, and American Society," Whitney Humanities Center, Yale U., January 1983; History Colloquium Series, Princeton U., March 1984.
- "Women's Education Before 1837," panel, Conference on Women and Education: The Last 150 Years, Mt. Holyoke College, April 1982.
- "The Crisis in Feminism, 1910-1920," Radcliffe Research Scholars Series, Radcliffe College, May 1982; Women's Studies Series, Wesleyan U., October 1982.
- "Feminism and Women's History," Harvard U., Women's History Week, March 1982.
- "The Problem of Feminism in the 1920s," Isabel McCaffrey Lecture, May 1981, Harvard U.; American Civilization Dept., Brown U., November 1981; History and Women's Studies Series, U. of Michigan, March 1982; Center for European Studies, Harvard U., April 1982.
- Comment, "Consciousness and Society in New England, 1740-1840," Annual Meeting of the Organization of American Historians, April 1980, San Francisco, CA.
- "Women's History: Retrospect and Prospect," Harvard Divinity School History Colloquium, March 1980; U. of South Florida Women's Week, March 1980; American Assoc. for State and Local History, NE Regional Seminar, November 1980, New Haven, CT.
- "Women and Feminism in the 20th Century," Bunting Institute, Radcliffe College, October 1978.
- "Roundtable on Mary Ritter Beard," Fourth Berkshire Conference on the History of Women, August 1978, South Hadley, MA.
- "Ministers and Women in the Late 18th and Early 19th Century," Princeton Theological Seminary, March 1978.
- "New England Women's Work in the Early National Period," Historic Deerfield, MA, February 1978.
- Comment, "Sexuality and Ideology in 19th-century America," Southern Hist. Assoc. Conference, November 1977, New Orleans, LA.
- "Passionlessness: An Interpretation of Anglo-American Sexual Ideology, 1790-1840," History Dept. Colloquium, U. of Mass., April 1977; Rutgers U., March 1978; Marjorie Harris Weiss Lectureship, Brown U., March 1978.
- "Women and Religion in Early 19th-Century New England," History Department Colloquium Series, U. of Conn., February 1977; Old Sturbridge Village, March 1977.

Chair and comment, "Comparative Perspectives on Sexual and Marital Deviance and the Law," Third Berkshire Conference on the History of Women, June 1978, Bryn Mawr, PA.  
 "Adultery, Divorce, and the Status of Women in Revolutionary Massachusetts," Conference on Women in the Era of the American Revolution, July, 1975, Washington, D.C.; Princeton U. Colloquium Series, November 1975; Boston State College Lecture Series on the American Revolution, November 1976.

Young Women's Conversion in the Second Great Awakening," Second Berkshire Conference on the History of Women, November 1974, Cambridge, MA.

Chair and comment, "Women in the Professions," First Berkshire Conference on the History of Women, March 1973, New Brunswick, N.J.

#### **PUBLIC SERVICE LECTURES:**

"Marriage and the Public Order in the History of the United States," 2005 American Studies Summer Institute, John F. Kennedy Library, July 2005.

"Preserving Women's History at Radcliffe and Harvard," Committee on the Concerns of Women at Harvard, June 2005.

"Women's Education in the 18th Century," Adams Historic Site, Quincy, MA, April, 2005.

"What is Gender History?" annual luncheon for the College Board, Organization of American Historians, Annual meeting, San Jose, CA, April 2005.

"What the State Has to Do with It: Changing Marriage," Democrats Abroad, Paris, Dec. 2003.

"Marriage and the Law," invited discussion with Senior Matrimonial Lawyers, educational retreat, Troutbeck Conference Center, Amenia NY, October 2003.

"Marriage as a Public Institution in the United States," Harvard Neighbors, February 2003; Harvard Librarians' group, February 2003.

"Looking at the World after 9/11 through a Women's History Lens," Radcliffe Seminars Final Conference, April 2002.

"Women as Workers and Citizens in the Twentieth Century," Institute for Emerging Civil Rights Leaders, Harvard Graduate School of Education, June 11, 2001.

"The Value of Women's Work: Historical, Public and Private Views," Bostonian Society, May 01.

"Woman Suffrage: Why Did It Take So Long?" and "The Gender Structure of Citizenship," NEH Summer Institute for High School and Middle School Teachers on Women's Rights and Citizenship in American Thought," Ohio State Univ., July 2000.

"Education in Abigail Adams' Time," Women and the American Revolution Lecture Series, Adams National Historical Site, Quincy, MA, June 2000.

"Women of Conscience in Politics," Maine Town Meeting, 50th anniversary of Sen. Margaret Chase Smith's Declaration of Conscience, June 1, 2000, Skowhegan, Maine.

"The History of Marriage," testimony and discussion before the Judiciary Committee, Vermont House of Representatives, January 2000.

"Women as Citizens in the 20th Century," A Millennium Evening at the White House, Washington, D.C., March 1999.

Historians and Filmmakers: A Dialogue, Chatauqua .N.Y., August 1997.

"Winning the Women's Ballot: Citizenship, World War, and the Woman Suffrage Campaign," U.S. Air Force Academy, Colorado Springs, August 1995.

"The Beginnings of Women's Education in the U.S.," Witmer Lecture, Social Studies Dept., Hunter College High School, March 1995.

"New Immigrants, New Women," Rebecca Plank Memorial Lecture, Milton Academy, March 1995.

"The South and the Nation in the History of Women's Rights," Conference of Southern Humanities Foundations, Washington, D.C., May 1988.

"Women's Rights: Unspeakable Issues in the Constitution," Judicial Seminar, N.Y. State Judiciary Continuing Education, July 1988.

**September 19, 2005**

**Testimony of M. V. Lee Badgett, Ph.D., University of Massachusetts Amherst  
and UCLA Law School**

Members of the Commission:

My name is M.V. Lee Badgett. I am an associate professor of economics at the University of Massachusetts Amherst, and the research director of the Institute for Gay and Lesbian Strategic Studies, a nonprofit think tank in Amherst, MA. This year I am a visiting professor at the Williams Project of UCLA Law School, where we have been studying the economic impact of marriage by same-sex couples in New Hampshire and other states. Over the last fifteen years I have conducted extensive research on economic issues for lesbians and gay men, and I am the author of a book and other research on the impact of discrimination and family policy on the economic well-being of lesbian, gay, and bisexual people and their families. My curriculum vitae with a list of my publications and professional experience will be included with my written testimony.

Today I would like to make three basic points related to marriage by same-sex couples:

1. Access to marriage is good for same-sex couples and their children.
2. Giving access to marriage to same-sex couples would be good for the state economy.
3. Allowing same-sex couples to marry will be good for the state budget.

**First, access to marriage is good for same-sex couples and their children.** Marriage provides a social, legal, and economic framework for living a family life together. The commitment, stability, and sense of security that come with marriage provide many important health and economic benefits to couples that are just as important for same-sex couples as for different-sex couples. From Census 2000 we know that there are at least 2,703 same-sex couples living in New Hampshire, 57% of



whom are female couples and 43% are male couples. What we know about them suggests that these couples need the legal protections of marriage.

- Same-sex couples live in every county in New Hampshire.
- One in four same-sex couples is raising a child under 18 years of age in their homes. More than 1600 children live with parents in same-sex couples. Those families must get by with lower incomes than married different-sex parents.
- People in same-sex couples contribute greatly to New Hampshire's economic vitality. They are well-educated, have high employment rates, and mostly work in the private sector.

From other social science research, we know that marriage is good for physical and psychological health, as well as the economic health of married couples. Giving same-sex couples the right to marry will improve their position in many ways. Here are some examples:

1. Same-sex couples are more likely to have health insurance if they could marry. Most people under 65 get health insurance through their job or a spouse's job. However, nationally 86% of employers who provide health insurance do not cover their employees' same-sex partners. As a result, as two recent studies show, people in same-sex couples are almost twice as likely to be uninsured as married people. Marriage would make same-sex partners eligible for employer-provided health coverage, saving thousands of dollars in insurance premiums and health care expenses.
2. Couples will save money because they will not need to hire a lawyer to draw up formal legal documents to ensure that some basic ties are established, such as wills or powers of attorney.
3. Although the federal government does not now recognize marriages of same-sex couples, at some point in the future that policy might change, opening up valuable social insurance benefits to couples, such as Social Security survivor benefits and disability benefits. For instance, the social security system provides the equivalent of a \$354,000 insurance policy to

married couple families. Surviving spouses of nonretired workers in the system receive over \$10,000 per year in benefits on average, but surviving same-sex partners are entitled to nothing in the same circumstances.

4. Marriage would provide same-sex couples with a legal framework for living an interdependent economic life together. Through marriage, couples can buy property together and other household goods knowing that each member of the couple has ownership rights. And if the worst should happen, that is, if one spouse dies or the relationship dissolves, then the ownership rights would be clear. Economists believe that this contractual nature of marriage facilitates a more efficient use of time and money for families than is available to unmarried couples. Marriage also provides a form of social insurance through family and spousal resources, including both financial resources and resources of time and caring labor.

By increasing access to important benefits of marriage and giving same-sex couples a legal framework for their economic lives, the State of New Hampshire would significantly improve the economic well-being of those couples who would marry.

**Second, giving access to marriage to same-sex couples would be good for the state economy, both in the short run and in the long run.** The first boost to the economy would come from New Hampshire's own gay and lesbian couples. Since May 2004, more than 6,500 same-sex couples have married in Massachusetts. According to numerous press reports, these weddings have meant a surge in revenues for Massachusetts businesses, especially caterers, hotels, florists, jewelers, and other wedding-related businesses. We expect that the same kind of increase in wedding spending would happen in New Hampshire.

We make an estimate of this new spending in a straightforward way. Over time, based on the experiences in Massachusetts and Vermont, we predict that approximately half of same-sex couples will marry. Therefore, census figures for New Hampshire

suggest that a total of 1,350 gay or lesbian couples would marry. (As a point of reference, there are roughly 11,000 marriages by different-sex couples each year in New Hampshire; the 1350 reflects weddings over several years.) Wedding consultants estimate that the typical wedding in New Hampshire costs \$30,500. If same-sex couples spent only one quarter of this typical amount on their weddings, then the total new spending in the state would be more than \$10 million over the years that those couples marry.

The second immediate economic boost would come from out-of-state couples who would travel to New Hampshire to marry, since no other state allows same-sex marriages. (Governor Romney's interpretation of Massachusetts law has meant that only residents of Massachusetts can marry in that state.) At least one state, California, briefly realized these business gains so far. During the single month of gay weddings allowed in San Francisco last year, 4,000 couples from 46 states and eight countries traveled to the city and spent lavishly (they reportedly ran out of wedding rings at Macy's).

To estimate the increase in tourism that would result in New Hampshire, I used data from the Census and the Institute for New Hampshire Studies at Plymouth State University data on tourist spending. The top states now supplying tourists to New Hampshire are also the most likely source of same-sex couples who would come here to marry. I make some simple assumptions that are conservative:

- 25% of same-sex couples from the main tourism feeder states (other than Massachusetts) will travel to New Hampshire to marry, along with only 5% of same-sex couples from other states;
- No friends or family members accompany the couples;
- The couples spend no more than two average overnight visitors (\$155) to New Hampshire on lodging, food, and other expenses.

Even using these conservative assumptions, out-of-state couples would spend \$25 million over the mandatory three day waiting period between getting their licenses and marrying.

Adding in the indirect increase in economic activity that would result from the increased tourism (using the "multiplier effect" estimated by the Institute for New Hampshire Studies) means that ***allowing same-sex couples to marry would generate almost \$63 million in new tourist spending in New Hampshire in the first few years after the law changed.***

Finally, it is unlikely that this same degree of immediate spending would occur if same-sex couples were offered the right to enter civil unions. Fewer people would come from out-of-state, since several other states offer civil unions or domestic partner registration. Also, anecdotal reports suggest that some same-sex couples would prefer to wait to have a ceremony until they have the right to marry.

In addition to the direct and immediate gains to the economy from the surge in spending, the state is likely to also reap economic gains in the long run. Equal marriage rights would help attract and retain a talented New Hampshire workforce. America's business community increasingly recognizes that policies promoting equality and diversity are good for the corporate bottom line. Some analysts argue that respect for diversity enables firms to draw from the widest possible mix of creative and innovative employees critical to economic success. The link between economic vitality and tolerance was demonstrated in a study published by the Brookings Institution in 2000. The study (by Richard Florida and Gary Gates) shows that high-tech industries are larger and grow faster in metropolitan areas with larger gay populations. This study suggests that high levels of tolerance that attract gay people also appear to attract talented and well-educated workers, the group that is required for economic growth.

Furthermore, employers frequently cite competition for workers as a primary motivation to offer health benefits to same-sex couples. It is no surprise, then, that nearly two-thirds of Fortune 100 companies offer such benefits, as do New Hampshire-based employers Fisher Scientific International, Timberland Co., Sigarms Inc., and Dartmouth College.

New Hampshire is surrounded by other states that provide extensive legal protections to same-sex couples. Massachusetts recognizes same-sex couples' right to marry, and Vermont provides same-sex couples with the right to enter a civil union that

provides all of the state benefits that are associated with marriage. Even Maine has established a domestic partnership registry that affords non-marital couples with access to some legal protections when it comes to inheritance, guardianship proceedings, and funeral and burial arrangements, for example. This puts New Hampshire's employers and communities at risk of losing its gay, lesbian, and bisexual citizens to friendlier locations, since the gay and lesbian community appears more willing than others to move, perhaps in search of friendlier environments. More than 55% of individuals in same-sex couples moved in the five years prior to Census 2000 compared to only 42% of those in different-sex couples.

Furthermore, same-sex couples in neighboring states might be unwilling to visit New Hampshire if the state maintains its policy of unequal treatment of same-sex couples. Married same-sex couples in Massachusetts, for instance, might avoid New Hampshire for fear that their relationship will not be recognized if some accident occurs or to protest unequal treatment. So the state might lose out if same-sex couples opt for vacations in friendlier policy climates.

The long-term strength of the state's economy will depend on its ability to attract and retain a talented workforce, which includes gay, lesbian, and bisexual people as well as heterosexual people who want to live and work in an environment that welcomes diversity.

**Third, allowing same-sex couples to marry will be good for the state budget.** If the State of New Hampshire were to allow same-sex couples to marry, the state's expenditures and tax revenues would be affected. Because marriage involves both rights and responsibilities, some of the fiscal implications will add to the state's expenditures or reduce state revenues; other marriage effects will be lower expenditures or higher tax revenues. Overall, the research I have done with my UCLA colleagues suggests that the net budget impact is clearly positive.

Let's start with the factors that would have a positive budgetary impact.

- For one thing, the wedding and tourism spending that I just mentioned would generate at least \$1.9 million in new meals and rooms tax revenue over the first few years after the policy change, or just over \$600,000 per year.
- State spending on public assistance benefits would fall. This impact reflects one of the responsibilities of marriage: spouses are obligated to support one another. If same-sex couples marry, we expect public assistance expenditures to fall both because married couples are less likely to need state assistance and are less likely to be eligible for state assistance. Programs can count the spouse's income and assets in assessing eligibility for state health and income assistance programs. Using Census data, we estimate that the state would save as much as \$400,000 per year in SSI, Medicaid, TANF, and Healthy Kids.

Turning to the other side of the ledger, we can estimate factors that would have a negative budgetary impact.

- Interest and divided tax revenues would fall imperceptibly (less than \$40,000 per year) since married couples can combine their exemptions.
- State spending on health care and dental benefits for state employees' new spouses would rise slightly. Census data suggests that there are around 200 active state employees who have same-sex partners, but not all will marry and some of those partners are employed full-time and may have health insurance from their own employer. Therefore, I estimate that approximately 45 new partners would be covered by the state, adding \$373,000 in costs. Including retirees would bring the total cost to \$502,000. Spending in the retirement system would be unlikely to increase, since employees can already designate anyone as a beneficiary for those benefits.
- There would be minor administrative costs, such as copying new forms that are gender neutral. Those expenses would be minimal--roughly \$2,000, given other states' estimates--and would be offset by fees that couples pay for certified marriage certificates.

- We analyzed the potential costs in several other areas, including possible increases in use of the judicial system for divorces and other family matters. The small number of new marriages means few new demands on courts and judges and no expected increase in costs.

We added up both sides and found that the net effect would be positive for the state budget. We project that the tourism-generated tax impact would be spread out over three years, resulting in ***our estimate of a half million dollar per year net gain to the state budget if same-sex couples were allowed to marry.*** This effect may well be larger, since we made very conservative assumptions about the spending on weddings.

This finding is similar to the finding of studies of five other states. And last year the Congressional Budget Office reached a similar conclusion with respect to the federal budgetary impact of allowing same-sex couples to marry. The CBO considered the impact of marriages by same-sex couples on income tax revenues, social security benefits, federal employees' spousal benefit expenditures, and federally-funded means-tested programs. Based on these calculations, they projected that the federal budget would see savings of almost \$1 billion per year.

**Finally, to sum up, giving same-sex couples the right to marry is a win-win situation from an economic perspective.** Marriage strengthens the well-being of same-sex couples and their families in many ways, not the least of which is financial. New marriages are good for business and create jobs in New Hampshire. Marriage is good for the state budget. In short, giving marriage rights to same-sex couples makes good economic sense for New Hampshire.





"Asking the Right Questions: Making the Case for Sexual Orientation Data," *2004 Proceedings of the American Statistical Association*, Statistical Computing Section [CD-ROM], Alexandria, VA: American Statistical Association.

"Will Providing Marriage Rights to Same-Sex Couples Undermine Heterosexual Marriage?" *Sexuality Research and Social Policy: Journal of NSRC*, Vol. 1, No. 3, Sept. 2004, pp. 1-10.

"Job Gendering: Occupational Choice and the Marriage Market," M. V. Lee Badgett and Nancy Folbre, *Industrial Relations*, April, 42(2), 2003, 270-298.

"Wedding Bell Blues: The Income Tax Consequences of Legalizing Same-Sex Marriage," James Alm, M. V. Lee Badgett, and Leslie A. Whittington, *National Tax Journal*, Vol. LIII, No. 2, June 2000, pp. 201-214.

"Assigning Care," co-authored with Nancy Folbre, *International Labour Review*, Vol. 138, No. 3, 1999, pp. 311-326.

"Introduction: Towards Lesbian, Gay, and Bisexual Perspectives in Economics: Why and How They May Make a Difference," Prue Hyman and M. V. Lee Badgett, introduction to special section of *Feminist Economics*, co-edited by Badgett and Hyman, Vol. 4, No. 2, Summer 1998, pp. 49-54.

"Readings Related to Lesbian and Gay Economics: An Annotated Bibliography," *Feminist Economics*, Vol. 4, No. 2, Summer 1998, pp. 111-116.

"A Queer Marketplace: Books on Lesbian and Gay Consumers, Workers, and Investors," (review essay) *Feminist Studies*, Vol. 23, No. 3, Fall 1997, pp. 607-632.

"Employment and Sexual Orientation: Disclosure and Discrimination in the Workplace," *Journal of Gay and Lesbian Social Services*, Vol. 4, No. 4, 1996, pp. 29-52. Simultaneously published as *Sexual Identity on the Job: Issues and Services*, Alan L. Ellis and Ellen D.B. Riggle, editors, Harrington Park Press, 1996. Also published in *Psychological Perspectives on Lesbian, Gay, and Bisexual Experiences*, 2<sup>nd</sup> edition, ed. Linda D. Gamets and Douglas C. Kimmel, Columbia University Press, 2003.

"The Wage Effects of Sexual Orientation Discrimination," *Industrial and Labor Relations Review*, Vol. 48, No. 4, July, 1995, pp. 726-739. Reprinted in *Women Transforming Politics: An Alternative Reader*, ed. by Cathy J. Cohen, Kathleen B. Jones, and Joan C. Tronto, New York University Press, 1997.

"Gender, Sexuality and Sexual Orientation: All in the Feminist Family?" *Feminist Economics*, Vol. 1, No. 1, 1995. Reprinted in *Gender and Political Economy: Incorporating Diversity into Theory and Policy*, ed. by Ellen Mutari, Heather Boushey, and William Fraher IV, M.E. Sharpe, Armonk, NY, 1997.

"Affirmative Action in a Changing Legal and Economic Environment," *Industrial Relations*, Vol. 34, No. 4, 1995.

"Rising Black Unemployment: Changes in Job Stability or Employability?" *Review of Black Political Economy*, Vol. 22, No. 3, Winter 1994, pp. 55-75.

"The Economics of Sexual Orientation: Establishing a Research Agenda," M. V. Lee Badgett and Rhonda M. Williams, *Feminist Studies*, Vol. 18, No.3, 1992.

#### BOOK CHAPTERS:

"Lesbian and Gay Think Tanks: Thinking for Success," *Identity/Space/Power: Lesbian, Gay, Bisexual, and Transgender Politics*, edited by Mark Blasius, Princeton University Press, 2000.

"Is Affirmative Action Working for Women?" (co-authored with Jeannette Lim) in Mary C. King (ed.) *Squaring Up: Policy Strategies to Raise Women's Incomes in the United States*. Ann Arbor, MI: University of Michigan Press, 2001.

"The Impact of Affirmative Action on Public-Sector Employment in California, 1970-1990," in Paul Ong, editor, *Impacts of Affirmative Action: Policies & Consequences in California*, AltaMira Press, 1999; and in *The Impact of Affirmative Action on Public-Sector Employment and Contracting in California*, A Technical Assistance Program Report of the California Policy Seminar, University of California, 1997.

"Where the Jobs Went in the 1990-91 Downturn: Varying (Mis)Fortunes or Homogeneous Distress?" *Civil Rights and Race Relations in the Post Reagan-Bush Era*, ed. Samuel L. Myers, Praeger, Westport, CT, 1997, pp 99-147.

"The Economic Well-Being of Lesbian and Gay Adults' Families," in *Lesbian, Gay and Bisexual Identities in the Families: Psychological Perspectives*, ed. by Charlotte J. Patterson and Anthony R. D'Augelli, Oxford University Press, 1997.

"Choices and Chances: Is Coming Out at Work a Rational Choice?" in *Queer Studies: A Multicultural Anthology*, ed. by Mickey Eliason and Brett Beemyn, New York University Press, 1996.

"Beyond Biased Samples: Challenging the Myths on the Economic Status of Lesbians and Gay Men," in *Homo Economics: Capitalism, Community, and Lesbian and Gay Life*, ed. by Amy Gluckman and Betsy Reed, Routledge Press, 1997.

"Occupational Strategies of Lesbians and Gay Men," M. V. Lee Badgett and Mary C. King, in *Homo Economics: Capitalism, Community, and Lesbian and Gay Life*, ed. by Amy Gluckman and Betsy Reed, Routledge Press, 1997.

"Thinking Homo/Economically," in Walter L. Williams and James Sears, eds., *Combating Homophobia and Heterosexism*, forthcoming, Columbia University Press. (Reprinted in *A Queer World: The CLAGS Reader*, ed. by Martin Duberman, New York University Press, 1997.)

"Evidence of the Effectiveness of Equal Employment Opportunity Policies: A Review," M. V. Lee Badgett and Heidi I. Hartmann, in *Economic Perspectives on Affirmative Action*, ed. by Margaret C. Simms, Joint Center for Political and Economic Studies, 1995.

"The Changing Contours of Discrimination: Race, Gender, and Structural Economic Change," M. V. Lee Badgett and Rhonda M. Williams, in *Understanding American Economic Decline*, David Adler and Michael Bernstein, eds., Cambridge University Press, Cambridge, 1994.

#### **REPORTS:**

"Counting on Couples: Fiscal Savings from Allowing Same-Sex Couples in Connecticut to Marry," M.V. Lee Badgett, R. Bradley Sears, Patrice Curtis, and Elizabeth Kukura, IGLSS and Williams Project on Sexual Orientation and the Law, 2005.

"Will Providing Marriage Rights to Same-sex Couples Undermine Heterosexual Marriage? Evidence from Scandinavia and the Netherlands," Discussion paper, Council on Contemporary Families and the Institute for Gay and Lesbian Strategic Studies, July 2004.

"The Business Cost Impact of Allowing Same-sex Couples to Marry," co-authored with Gary Gates. Human Rights Campaign and Institute for Gay and Lesbian Strategic Studies, 2004.

"Same-sex Couples and Their Children in Massachusetts: A View from Census 2002," co-authored with Michael Ash, Nancy Folbre, Lisa Saunders, and Randy Albelda, *Angles*, Institute for Gay and Lesbian Strategic Studies, Amherst, MA, February 2004.

Sears, R. Bradley, and M. V. Lee Badgett. "The Impact on California's Budget of Allowing Same-Sex Couples to Marry," Institute for Gay and Lesbian Strategic Studies and Williams Project of UCLA Law School, May 2004.

"Supporting Families, Saving Funds: A Fiscal Analysis of New Jersey's Domestic Partnership Act," M.V. Lee Badgett and R. Bradley Sears, Institute for Gay and Lesbian Strategic Studies and Williams Project of UCLA Law School, December 2003.

"Equal Rights, Fiscal Responsibilities: The Impact of AB205 on California's Budget," M.V. Lee Badgett and R. Bradley Sears, Institute for Gay and Lesbian Strategic Studies and Williams Project of UCLA Law School, May 2003.

"Left Out of the Count: Missing Same-sex Couples in Census 2000," M. V. Lee Badgett and Marc A. Rogers, Institute for Gay and Lesbian Strategic Studies, Amherst, MA, 2003.

"Calculating Costs with Credibility: Health Care Benefits for Domestic Partners," *Angles*, Vol. 5, Issue 1, 2000.

*Income Inflation: The Myth of Affluence Among Gay, Lesbian, and Bisexual Americans*, Joint publication of NGLTF Policy Institute and Institute for Gay and Lesbian Strategic Studies, 1998. Reprinted in *The Gay & Lesbian Review*, Spring 2000.

"The Fiscal Impact on the State of Vermont of Allowing Same-Sex Couples to Marry," IGLSS Technical Report 98-1, Oct. 1998.

*Creating Communities: Giving and Volunteering by Gay, Lesbian, Bisexual, and Transgender People*, Working Group on Funding Lesbian and Gay Issues, Institute for Gay and Lesbian Strategic Studies, February 1998. (Co-authored with Nancy Cunningham)

"Vulnerability in the Workplace: Evidence of Anti-Gay Discrimination," *Angles: The Policy Journal of the Institute for Gay and Lesbian Strategic Studies*, Vol. 2, No. 1, September 1997.

"For Richer, For Poorer: The Cost of Nonrecognition of Same Gender Marriages," M. V. Lee Badgett and Josh A. Goldfoot, *Angles: The Policy Journal of the Institute for Gay and Lesbian Strategic Studies*, Vol. 1, No. 2, May 1996.

"Pervasive Patterns of Discrimination Against Lesbians and Gay Men: Evidence from Surveys Across the United States," Lee Badgett, Colleen Donnelly, and Jennifer Kibbe, National Gay and Lesbian Task Force Policy Institute, 1992.

"The Impact of the Construction of Luz SEGS VIII on California and the Project Area," William T. Dickens, Lee Badgett, and Carlos Davidson, February 1989.

#### **OTHER PUBLICATIONS:**

"Equality Doesn't Harm 'Family Values'", with Joop Garssen, *National Post (Canada)*, August 11, 2004.

"Prenuptial Jitters: Did Gay Marriage Destroy Heterosexual Marriage in Scandinavia?" *Slate Magazine*, May 20, 2004, <http://slate.msn.com/id/2100884/>.

Brad Sears and Lee Badgett, "Tourism and Same-sex Marriage," *San Diego Union-Tribune*, June 2, 2004. [http://www.signonsandiego.com/uniontrib/20040527/news\\_lz1e27sears.html](http://www.signonsandiego.com/uniontrib/20040527/news_lz1e27sears.html)

"Equality Is Not Expensive," *Connecticut Law Tribune*, April 19, 2004.

"Domestic Partner Bill Won't Be Burden to Business," *Orange County Register*, April 18, 2004, with Brad Sears.

"Economics" and "Boycotts", entries for *Encyclopedia of Gay, Lesbian, Bisexual, and Transgender History*, ed. By Marc Stein, Scribners, forthcoming Dec 2003.

"Recognizing California Couples: Domestic-Partner Law Attacked by Anti-Gay Senator Could Boost Flow of Cash to State," M. V. Lee Badgett and R. Bradley Sears, *Daily Journal*, Oct. 14, 2003.

"A Win at Cracker Barrel," *The Nation*, Feb. 10, 2003.

"Why I was a Dem for a Day," *Daily Hampshire Gazette*, June 2002.

Commentary on Boy Scouts of America, WFCR, Amherst, MA, August 13, 2001.

"Sexual Orientation," Richard Cornwall and M. V. Lee Badgett, entry for *Encyclopedia of Feminist Economics*, ed. by Meg Lewis and Janice Peterson, Edward Elgar, 2000.

"Lesbians, social and economic situation," entry for *International Encyclopedia of the Social and Behavioral Sciences*, forthcoming.

"One Couple's 'Penalty' remains another's privilege", with James Alm and Leslie A. Whittington, *Boston Globe*, Sept. 3, 2000, p. E2.

"Domestic partners status unfair to gay couples," *Springfield Sunday Republican*, op-ed April 2, 2000, p. B3.

"Do Sexual Orientation Policies Help Lesbians?" in *Women's Progress: Perspectives on the Past, Blueprint for the Future*, Institute for Women's Policy Research, Fifth Policy Research Conference Proceedings, Washington, DC, 1998.

"Census Data Needed," letter to the editor, *The Washington Blade*, November 7, 1997, p. 37.

"Same-sex partners bring nurturing--and financial benefits--to the altar," op-ed piece with Gregory Adams, *Chicago Sun-Times*, June 8, 1996, p. 16.

"The Last of the Modernists: A Reply," *Feminist Economics*, Vol. 1, No. 2, 1995.

"Domestic Partner Recognition: Doing the Right--and Competitive--Thing," *Synthesis: Law and Policy in Higher Education*, Vol. 6, No. 4, Spring 1995.

"Equal Pay for Equal Families," *Academe*, May/June 1994.

"Lesbian and Gay Campus Organizing for Domestic Partner Benefits," in *Higher Education Collective Bargaining During a Period of Change*. Proceedings, Twenty-Second Annual Conference, April 1994, The National Center for the Study of Collective Bargaining in Higher Education and the Professions, Baruch College, CUNY, 1994.

"Beyond Biased Samples: Challenging the Myths on the Economic Status of Lesbians and Gay Men," pamphlet published by National Organization of Gay and Lesbian Scientists and Technical Professionals and the Institute for Gay and Lesbian Strategic Studies, 1994. (Early version of book chapter of same title.)

Co-author and co-editor, *Labor and the Economy*, published by the Center for Labor Research and Education, Institute of Industrial Relations, UC Berkeley, 1989.

"Looking for the Union Label: Graduate Students at U.C.," *California Public Employee Relations*, No. 85, June 1990.

"Rusted Dreams: Documenting an Economic Tragedy," *Labor Center Reporter*. No. 219, October 1987.

"How the Fed Works," *Labor Center Reporter*, No. 177, November 1986.

#### **WORK IN PROGRESS AND PAPERS UNDER REVIEW:**

"Variations on an Equitable Theme: International Same-sex Partner Recognition Laws."

"Separate and Unequal: The Effect of Unequal Access to Employment-Based Health Insurance on Gay, Lesbian, and Bisexual People" (with Michael Ash), under review.

"Breadwinner Dad, Homemaker Mom: An Interdisciplinary Analysis of Changing Gender Norms in the United States, 1977-1998." Lee Badgett, Pamela Davidson, Nancy Folbre, and Jeannette Lim, in progress, 2000.

"Lesbian, Gay, and Bisexual Giving and Volunteering," M. V. Lee Badgett and Nancy Cunningham, August 1998. Revise and resubmit to *Nonprofit and Voluntary Sector Quarterly*.

"Acting Affirmatively or Affirmative Action? Constructing a Sexual Orientation Employment Policy," July 1995. Revise and resubmit to *Journal of Policy Analysis and Management*

"Tolerance, Taboos, and Gender Identity: The Occupational Distribution of Lesbians and Gay Men," July 1998.

"Redistribution and Restructuring by Race and Gender: A Regional and Industrial Analysis," Rhonda M. Williams and M. V. Lee Badgett, Sept. 1994.

#### **PRESENTATIONS OF PAPERS:**

"Looking into the European Crystal Ball: What Can the U.S. Learn About Same-Sex Marriage?" Tulsa Gay and Lesbian History Project, October 2004; University of Connecticut, October 2004; Yale University, February 2005; American Psychological Association, August 2005.

"Predicting Partnership Rights: Applying the European Experience to the United States," Yale University Law School, March 5, 2005.

"Asking the Right Questions: Making the Case for Sexual Orientation Data," Joint Statistical Meetings of the American Statistical Association, Toronto, August 2004; Williams Project Annual Update, UCLA, February 2005; Canadian Population Society, June 3, 2005.

"A New Gender Gap: Sex Differences in Registered Partnerships in Europe," International Association for Feminist Economics research conference, London, August 2004.

"Variations on an Equitable Theme: International Same-sex Partner Recognition Laws," Research Conference of International Association for Feminist Economics, July 2002. Stockholm University, September 2003; University of Linz, Austria, November 2003; University of Amsterdam, June 2004; American Political Science Association, Chicago, Sept. 2004.

"The Myth of Gay Affluence and Other Tale Tales: The Political Economy of Sexual Orientation," University of California, San Diego, June 2002.

"A Family Resemblance: Legal Recognition of Same-Sex Partners in the United States," Research Conference of International Association for Feminist Economics, Oslo, Norway, June 2001; University of Southern Maine, October 2001; University of Massachusetts, Feb. 2002; Washington University Political Science Department, March 2002; University of Wisconsin, LaCrosse, April 2002.

"A Movement and a Market: GLBT Economic Strategies for Social Change," University of Wisconsin, LaCrosse, April 2002; Macalester College, April 2002.

"Job Gendering: Occupational Choice and the Marriage Market," Research Conference of International Association for Feminist Economics, Ottawa, CA, June 1999.

"Tolerance, Taboos, and Gender Identity: The Occupational Distribution of Lesbians and Gay Men," Research Conference of International Association for Feminist Economics, Amsterdam, The Netherlands, June 1998.

"The Impact of Affirmative Action on Public-Sector Employment in California," ASSA Meetings, 1997.

"Tolerance or Taboos: Occupational Differences by Sexual Orientation," presented at American Economic Association Meetings, Jan. 1996, and American Psychological Association convention in Toronto, August 1996.

"A Race, Ethnicity, and Gender Analysis of the 1990-91 Recession," ASSA Meetings 1995.

"Choices and Chances: Is Coming Out at Work a Rational Choice?" The Sixth North American Lesbian, Gay, and Bisexual Studies Conference, University of Iowa, November 18, 1994.

"Civil Rights and Civilized Research: Constructing a Sexual Orientation Policy Based on the Evidence," Association for Public Policy Analysis and Management Research Conference, Oct. 27, 1994

"Where the Jobs Went in the 1990-91 Downturn," National Conference on Race Relations and Civil Rights in the Post Reagan-Bush Era, The Roy Wilkins Center, Humphrey Institute, University of Minnesota, October 1994.

"Lesbian and Gay Campus Organizing for Domestic Partner Benefits," The American Political Science Association meeting, Sept. 1994.

Panelist, "Developing Lesbian/Gay Studies in Economics," ASSA Meetings, 1994.

"The Rainbow at Work: Differences in the Economic Status of Women Workers in the United States," presented at the 5th International Interdisciplinary Congress on Women, 1993.

"The Economic Well-Being of Lesbians and Gay Men: Pride and Prejudice," December 1992, presented at 1993 ASSA Meetings.

"Affirmative Action in a Changing Legal and Economic Environment," revised, December 1992, presented at 1993 ASSA Meetings.

"The Effects of Structural Change on the Race and Gender Distribution of Employment," with Rhonda M. Williams, presented at Eastern Economic Association Meeting, 1992.

"Changes in Racial Inequality Among Women: Evidence from Unemployment Rates," presented at AEA Meetings, 1992.

"Labor Market Discrimination--Economic and Legal Issues for Gay Men and Lesbians," presented at AEA Meetings, 1992.

"Rising Black Unemployment: Changes in Job Stability or in Employability?" presented at National Economic Assoc., 1992.

"Rising Black Unemployment and the Role of Affirmative Action Policy," presented at APPAM Research Conference, Oct. 1990.

#### **INVITED PRESENTATIONS:**

"Money, Myths, and Change: The Economic Lives of Lesbians and Gay Men," University of Toronto, March 16-17, 2005.

Guest speaker, Womens studies and political sciences courses at Smith College and Amherst College, Spring 2003; Fall 2004.

Panelist, "Aging in the Gay Community," American Association of Retired Persons, June 2000.

"Money and Our Discontents," Keynote speech, Smart Women/Smart Money conference by the Astraea Foundation. Nov. 1999.

"Homo Economics: The Myth of Gay Affluence and Other Tall Tales," University of Connecticut, March 1999; American University, October 1999.

Same-Sex Couples and Public Policy, panel member, University of Maryland, College Park, October 1999.

"A Bridge to the Future or the Road to Nowhere? Respectability and Lesbian and Gay Think Tanks," Remarks prepared for the Politics of Respectability Conference, University of Chicago, April 1999

Panelist, Unifying Anti-Subordination Theories, DePaul University Law School, February 1999.

"Lesbians, Gays, and Bisexuals in a Gender Agenda," Roundtable on Feminism and Public Policy, 1998 ASSA Meetings, Chicago, IL.

"Economic Issues for Lesbians," Workshop on Lesbian Health Research Priorities, Institute of Medicine, Board on Neuroscience and Behavioral Health, Washington, DC, October 6, 1997.

"Lesbians, Gays, Bisexuals, and Transgenders: Who Gives, How Much, and Why," OutGiving Conference, Aspen, CO, Sept. 1997; Horizons Foundation and United Way, San Francisco, CA, Oct. 1997; NGLTF Creating Change conference, San Diego, Nov. 1997; Cream City Foundation Milwaukee, WI; Chicago, IL; Boston Foundation, February 1998.

"Lesbian and Gay Money: Is There a Gender Gap?" Towson State University, March 1997.

Panelist, "Out in the Workplace," University of Pennsylvania, Feb. 10, 1997.

"Workplace Policy Issues for Lesbian, Gay, and Bisexual People," Gender, Race, Economics, and Public Policy Conference of the New School for Social Research, April 5, 1996.

Panelist, "Compensating for Gender, Race, and Class Inequalities: Is Affirmative Action the Means to Social Justice," A Future of Equality: Feminist Rethinkings of the Affirmative Action and Welfare Debates, Yale University Women's Center, March 30, 1996.

"Equal Pay for Equal Work," University of Delaware Lavender Scholars Series, March 7, 1996.

"Lesbian and Gay Think Tanks," Center for Lesbian and Gay Studies, CUNY Graduate School, Feb. 9, 1996.

Panelist, Affirmative Action in the 21st Century, Chicago United, Feb. 15, 1996.

"The Economic Status of Lesbians and Gay Men: Discrimination, Data, and Debate," Bureau of Labor Statistics, U.S. Department of Labor, June 15, 1995; Institution for Social and Policy Studies, Yale University, Sept. 1995; University of Massachusetts, Boston, May 1996.

Panelist, "Gay Money: Power of the Purse," National Lesbian & Gay Journalists Association, Oct. 19, 1995.

Panelist, Domestic Partner Benefits and Other Gay Rights Policy Issues: Creating Change on Campus, American Association of University Professors, June 9, 1995.

Prepared testimony, Select Education and Civil Rights Subcommittee, Committee on Education and Labor, U. S. House of Representatives, Testimony on the 30th Anniversary of the Equal Pay Act, 1994. (Hearing cancelled at the last minute.)

"Economic Evidence of Sexual Orientation Discrimination," Gay, Lesbian, and Bisexual Studies Faculty Seminars, Univ. of Massachusetts, Amherst, Dept. of Economics and Program for Gay, Lesbian, and Bisexual Concerns, May 11, 1994.

"The Economics of Being Lesbian, Gay, or Bisexual: Pride, Prejudice and Politics," Brown Bag Series in Gay, Lesbian, and Bisexual Studies, University of Massachusetts, Amherst, May 11, 1994.

"Thinking Homo/Economically," conference presentation, Center for Lesbian and Gay Studies, CUNY Graduate School, May 7, 1994.

"Lesbian and Gay Campus Organizing for Domestic Partner Benefits," Annual Conference, The National Center for the Study of Collective Bargaining in Higher Education and the Professions, Baruch College, CUNY, April 19, 1994. Also presented at the American Political Science Association meeting, Sept. 1994.

"The Changing Contours of Discrimination: Race, Gender, and Structural Economic Change," presented at University of Michigan, School of Social Work, Profs. Mary Corcoran and Sheldon Danziger, March, 15, 1994.

"Redefining Families: Research and Policy," American Political Science Association meetings, Washington, D.C., Sept. 3, 1993.

"Lesbian Rights in Maryland," Maryland National Organization for Women, statewide conference, May 1, 1993.

"A Cost/Benefit Analysis of Coming Out," presented at OUT Magazine press conference, broadcast on CSPAN, April 21, 1993.

"Detecting Discrimination," at 1992 NGLTF Creating Change Conference, Los Angeles.

#### **GRANTS:**

1995 Wayne F. Placek Award, American Psychological Foundation, "The Impact of Attitudes on Lesbian and Gay Male Earnings and Occupations." (\$15,000)

The Aspen Institute, Nonprofit Sector Research Fund, "Lesbian, Gay, and Bisexual Giving and Volunteering," 1996. (\$40,000)

2002 Wayne F. Placek Award, American Psychological Foundation, "Health Insurance Inequality for Gay, Lesbian, and Bisexual People," with Michael A. Ash.

#### **PANELS AND COMMITTEES:**

Reviewer, Wayne F. Placek Award, American Psychological Foundation

Women's Funding Network, Lesbian Donor Research Project Advisory Committee, 1997-98

Visiting Lecturer and co-designer, Traveling Feminist Economics Ph.D. Course, Univ. of Minnesota, 1997-98

#### **FELLOWSHIPS AND HONORS:**

Out 100, *Out Magazine*, 2001.

One of Best and Brightest Activists, *The Advocate*, 2000.

College Outstanding Teacher Award, Social and Behavioral Sciences, University of Massachusetts, 2000-2001

Lilly Fellow, Center for Teaching, University of Massachusetts, Amherst, 1999-2000

Certificate of Appreciation, Stonewall Center, 1999.  
Certificate of Recognition, University of Maryland at College Park Diversity Initiative, 1994-95  
Graduate Opportunity Fellowship, 1985-86, UC Berkeley  
A.B. with General Honors, University of Chicago  
Maroon Key Society, University of Chicago  
Abram L. Harris Prize, 1978-79, 1979-80, University of Chicago

#### AFFILIATIONS

American Economic Association  
Board member, Institute for Gay and Lesbian Strategic Studies  
Editorial Board (and past Associate Editor), *Feminist Economics*  
International Assoc. for Feminist Economics (past board member)  
American Statistical Association

#### REFEREE

*Quarterly Journal of Economics*  
*Industrial Relations*  
*Journal of Human Resources*  
*Feminist Economics*  
*Journal of Policy Analysis & Mgmt.*  
*Review of Social Economy*  
*Review of Economics and Statistics*  
Columbia University Press  
National Science Foundation  
*Qualitative Sociology*  
*Social Problems*  
University of Wisconsin Press  
*Journal of Population Economics*  
Routledge Press  
*Industrial and Labor Relations Review*  
*Demography*



## TESTIMONY OF RICHARD A. HESSE

Presented to the 427 Commission

September 12, 2005

### INTRODUCTION

My name is Richard Hesse, and I am Professor Emeritus at Franklin Pierce Law Center, where I have taught since 1974. I have served as a member of the New Hampshire Constitution Bicentennial Education Committee, the New Hampshire Commission on Human Rights, and as a board member and legal counsel for the New Hampshire Civil Liberties Union. I have taught Constitutional Law, and (other relevant courses) and seek to share my expertise and background in the protections of the New Hampshire Constitution with the Commission. In light of the broad promises of equality and liberty embodied in New Hampshire's Constitution, the state cannot justify excluding same-sex couples from the right to marry.

The New Hampshire Constitution is explicit in granting recognition to a range of rights greater than those enumerated in the text of the Constitution. Part I, Article 2 declares:

All men have certain natural, essential, and inherent rights – among which are, the enjoying and defending life and liberty; ... and, in a word, of seeking and obtaining happiness. [emphasis added].

Our courts have acknowledged that the rights protected by this Article are not bestowed by it but rather are recognized to be among the natural and inherent rights of all humankind. Thus the rights indicated in the text are not exclusive of other rights. Further, it is understood that the Article “necessarily limits all subsequent grants of power to deal adversely with it including the police power of the state. *Burrows v. City of Keene*, 121 N.H. 590, 596 (1981). Consequently, the New Hampshire Constitution, unlike its

federal counterpart, contains an explicit substantive due process clause limiting the power of the legislature to impair natural and inherent rights.

Part I, Article 2 goes beyond the substantive due process protections to expressly guarantee equal treatment under the law:

Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin. . [emphasis added].

The requirement of equality in the law serves the function, among others, of protecting against singling out a class of persons for either privileged treatment or for imposition of special burdens. The theory, at least, is that requiring that the law be applied equally to all will deter the unfair imposition of burdens. Article 10 of Part I of the Constitution, also regarded as an equal protection provision, spells out the limitation:

Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; ....

The clear meaning of the equality provisions of the constitution is that the State may not withhold benefits from some of its citizens while conferring those benefits on others. *Gazzola v. Clements*, 120 N.H. 25, 29 (1980).

It is these constitutional principles that must be reconciled with any effort of the state to deny access to the privileges and benefits of marriage. As is explained below, the right to marry, including the right to choose one's martial partner, is an essential and inherent right protected by the substantive due process clause and the denial of that right based solely on the sex of the persons seeking to exercise it is a deprivation of a fundamental right. In either case, the state must justify its action by showing a compelling government interest and the absence of a less restrictive means of serving that interest. *Belkner v. Preston*, 115 N.H. 15, 18 (1975).

## I. Marriage Is A Fundamental Right

It is beyond argument that marriage is an institution that implicates the most personal and intimate decisions and relationships in our society. Whether and whom to marry, expression of personal intimacy, and whether and how to establish and maintain a family are basic liberties. See *Zablocki v. Redhail*, 434 U.S. 374, 384 (1978) and *Loving v. Virginia*, 388 U.S. 1, 12 (1967). Whatever else New Hampshire may say about the status of choices regarding marriage, the federal definition is a floor below which the state may not go. It is true that marriage is not mentioned in the New Hampshire Constitution in those terms. But the same can be said of the rights of parents regarding the education of their children and the right of an individual to refuse medical treatment even if doing so results in death. Nonetheless, Part I, Article 2 of the New Hampshire Constitution is understood to regard those rights as fundamental. See *In Re Kerry D.*, 144 N.H. 146, (1999) [rights to raise and care for one's children] and *In Re Caulk*, 125 N.H. 226, 230 (1984) [individual right to privacy, arising from high regard for human dignity and self determination, extends to the right to prevent unwanted infringement of bodily integrity]. In both cases, the court looked to the text of Article 2 and reasoned that the rights involved were natural, essential and inherent and thus protected from government intrusion except on a showing of a compelling governmental interest.

Marriage has consequences for the individual involved as a fulfillment of personal aspiration, for the state in serving important interests in social organization and for society in marking intimate relationships and family identification. The state's law, reflected in several hundred statutes, spells out those consequences in elaborate detail. In doing so, the state both confers benefits and imposes obligations on those it permits to engage in civil marriage.

The definition of civil marriage has the undeniable effect of denying the marital relationship to those who cannot qualify by the terms of the statute. That deprivation affronts the human dignity of persons by treating them as second-class citizens of the state. And the deprivation goes to the

very heart of self-determination. As noted above, our Court has held that human dignity and self-determination are vital component parts of “natural, essential and inherent rights” protected by Article 2. A right regarded as fundamental, in this case the marital relationship, cannot be denied absent a showing of a compelling governmental interest.

## II. Discrimination in Granting Access to Marriage Offends Equal Protection of Law

The conditions on access to marriage in state law focus on the sex of the parties to the proposed relationship. Part I, Article 2 makes clear that equality before the law cannot be denied on the basis of sex. The specification of sex as a constitutionally prohibited basis for discrimination makes its use “suspect” in the law. The intention of the voters who approved the<sup>4</sup> 1974 Amendment adding the equal protection clause is reflected in the voter’s guide for the ballot question in that year and in the Journal of the Convention which reflect a desire to establish equality for all persons. *Journal of the New Hampshire Constitutional Convention 1974*, 152-156.

Applicants who in every way qualified for the marriage license except for their sex are denied access to this important and far-reaching civil institution, as well as the benefits the state confers on those who are granted that license. The denial implicates the fundamental right to marry and it denies that right by use of a suspect classification. Equal protection law under both the federal and state constitutions imposes the highest standards when either a fundamental right or a suspect class is involved in state discriminatory actions.

The standard by which sex discrimination is measured in New Hampshire is “strict scrutiny.” Under that standard the state distribution of the benefits and burdens based on the sex of the citizen must be necessary to serve a compelling state interest. *Cheshire Medical Center v. Holbrook*, 140 N.H. 187, 189 (1995). The same standard is applied when the state

action infringes a fundamental right. *Merrill v. City of Manchester*, 124 N.H., 8, 14-15 (1983).

III. The State Interest in Barring Same-Sex Couples From Marriage Fails Constitutional Tests.

A. The State's Ban Should Be Assessed Under Heightened Scrutiny.

The burden on the State to justify infringement of a fundamental right or discrimination based on sex is the necessity to serve a compelling interest. Thus two elements must be established before the constitutional limits in Article 2 and 10 of Part I are satisfied. First the state must demonstrate that its action serves a compelling interest; second, the state must demonstrate that its action is necessary to serve that interest. With regard to necessity, the state must show that its compelling interest (assuming it has one) cannot be served by alternative means which minimize the infringement of fundamental rights or which avoid the use of a prohibited basis for discrimination in distribution of benefits and burdens.

Assuming for sake of argument that the "strict scrutiny" standard does not apply, New Hampshire should apply its test for deprivation of 'important' rights. While it seems inconceivable that access to marital status is anything but fundamental, it most certainly would be regarded as an important right. The judicial standard of review for infringement of important rights is the "fair and substantial relation" test. *Brannigan v. Usitalo*, 134 N.H. 50, 55 (1991). That test requires that the classification (sex) "must be reasonable and not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation." *Carson v. Mauer*, 120 N.H. 925, 932 (1980).

The state bears the burden of establishing that its classification (sex) is reasonable in the first instance; that requirement precludes routine legislative objectives since it must have a basis for infringing an important right. Preconceived notions of social propriety and routine social

organization objectives cannot satisfy this test. But even assuming that an important, non-routine state interest can be credibly asserted, the state must go forward with convincing evidence that discrimination on the basis of sex is strongly related to that objective.

B. The State's Exclusion of Same-Sex Couples from Marriage Fails All Constitutional Tests.

Since there is no clear statement of the state's purposes in banning same sex marriage, we can speculate about those interests. In any event, should the state be required to justify the constitutionality of the ban in a judicial setting, it would have to bring forward credible evidence of specific interests and demonstrate that those interest can only be served by its ban on marriage for same-sex couples. An examination of some of these potential interests demonstrates that the State's exclusion of gay and lesbian couples from marriage fails even the least searching form of scrutiny—the rational basis test, under which “legislation is presumed to be valid and will be sustained if the classification drawn by the statute is rationally related to a legitimate state interest.” *LeClair v. LeClair*, 137 N.H. 213, 223 (1993) (internal quotations omitted).

Since the marriage under the State's control is a civil marriage, there can be no constitutionally valid religious interest in defining marriage to exclude same-sex couples. To insert religious doctrine into a civil, state-controlled institution would raise serious constitutional problems in light of the anti-establishment principles enshrined in Part I, Art. 6. On the other hand, ending the state's discriminatory exclusion of gays and lesbians from marriage will have no demonstrable effect on clergy and communities of faith that wish to continue that exclusion. As guaranteed by Part I, Art. 5, nothing about ending this ban would in any way force clergy to perform marriages that fall outside the dictates of their faith.

The state interests in organizing social units as families may well be legitimate but in light of the broader freedom granted under state law for

personal choice in social arrangements, the prohibition against a single arrangement, particularly one involving a fundamental right and discrimination on a prohibited basis cannot be regarded as compelling.

Even state interests in procreation and the protection of children cannot justify excluding gay and lesbian couples from marriage. Whatever the state's interest in procreation, it has not made it a precondition to marriage. See N.H. Rev. Stat. §§ 457:1 et seq. (procreation absent from requirements for a valid marriage); 458:1 (procreative incapacity not among grounds for annulment); 458:7 (procreative incapacity not among grounds for divorce). Nor could the state condition access to marriage on procreation consistent with the individual's fundamental right to make those decisions free from state coercion. Further, same sex partners do procreate through commonly available reproductive alternatives.

Whatever the state's interest in protecting children, it is limited by constitutional constraints against discrimination. Paternal judgments by the state regarding the effect of social attitudes on the children of non-traditional marriages cannot perpetuate invidious discrimination. *Palmore v. Sidoti*, 466 U.S. 429, 432 (1984) [denial of custody to a mother who had entered a mixed race marriage]. Further putting aside state speculation about the effects on children of having parents of the same sex, the state can in no way establish any connection between any purported interest in children having different-sex parents and the exclusion of same-sex couples from marriage

## Conclusion

The robust guarantees of equality and due process in the New Hampshire Constitution are deeply offended by the state's continuing exclusion of gays and lesbians from access to civil marriage. This Commission would be well in step with those promises to recommend an end to that exclusion.

**STATE OF NEW HAMPSHIRE**

**SB 427 STUDY COMMISSION  
TO STUDY ALL ASPECTS OF SAME SEX CIVIL MARRIAGE  
AND THE LEGAL EQUIVALENTS THEREOF,  
WHETHER REFERRED TO AS CIVIL UNIONS,  
DOMESTIC PARTNERSHIPS, OR OTHERWISE**

September 12, 2005

Testimony of Ellen Perrin, M.D.  
Professor of Pediatrics at Tufts-New England Medical Center,  
Director of Developmental-Behavioral Pediatrics and the Center for Children with Special Needs

My name is Dr. Ellen Perrin. I am a Professor of Pediatrics at the Floating Hospital for Children at Tufts-New England Medical Center, and the Director of the Division of Developmental-Behavioral Pediatrics and the Center for Children with Special Needs. I speak to you today as a recognized expert in child development. One of my areas of special expertise is in the development and well-being of children whose parents are gay or lesbian.

I have reviewed hundreds of articles and books and written and published a good deal myself about what happens to children whose parents are the same sex. My curriculum vitae, which lists my extensive publications, my clinical research experience, and my professional associations, will be shared with you at the conclusion of my testimony. See Exhibit A (Curriculum Vitae). Suffice it to say, I am considered to be one of the pediatricians most expert in the country on the topic of the development and well-being of children whose parents are gay or lesbian.

I am here today to offer my expert opinion of the effects on children of being raised by same sex parents. I want to be clear, however, that the issue I am here to discuss is not whether children of same-sex couples will exist if same-sex couples are permitted to marry because gay and lesbian persons have been raising children for many years and will continue to do so in the future. The real issue is whether those children will be raised by married or unmarried parents -- and whether those kids will have the same benefits of a secure and permanent family that other children can take for granted.

My Opinion

It is my opinion that there is no relationship between a parent's sexual orientation and any measure of a child's emotional, psychosocial and behavioral adjustment. Absolutely no scientifically valid data have pointed to any risk to children as a result of growing up in a family with one or more gay parents. Over 25 years of documented research and clinical experience has taught us that children thrive better in families that include two loving, responsible and committed parents. We also know that conscientious and nurturing adults, whether they are men or women, heterosexual or gay or lesbian, can be excellent parents. In sum, there is ample evidence to show that children raised by gay and lesbian parents fare just as well as those raised by heterosexual parents.



In addition, there is an inextricable link between the health and well-being of all children and the legal protection afforded to the family relationships. Marriage is a social institution that promotes healthy families by conferring a set of rights, benefits, and protections that cannot be obtained by other means. Marriage can foster psychosocial stability and financial and legal security as well as an augmented sense of societal acceptance and support. Legal recognition of a spouse can increase the ability of adult couples to provide and care for one another and fosters a more nurturing and secure environment for their children. The children of same-sex couples can benefit from the legal protections afforded to their parents just as the children of different-sex parents do.

I am aware that some gay and lesbian parents have been deprived of the ability to stay home and care for their children because the non-bio working mom could not obtain health insurance for the child she co-parents or for her stay-at-home partner. I am aware of children who have been deprived of the ability to seek child support from their non-bio parent when the relationship between their parents disintegrates. I am aware of children who will not receive social security payments in the event their non-bio parent passes away, thus depriving the surviving family of income that may be essential to their survival. All of these dangers arise when gay and lesbian families are treated as legal strangers to each other. The lack of legal recognition given to the relationships of gay and lesbian parents and their children creates needless instability that helps no one and only serves to harm the children.

### Research

In formulating my opinion, I have relied on all of the current relevant research studying and examining the health and development of children raised in same-sex parent households. A full bibliography citing the relevant research on the topic of same-sex parenting will be shared with you as part of my written submission today, see Exhibit B (Research Bibliography), as well as a summary chart that describes the particulars of each study comparing children whose parents are gay against those whose parents are not. See Exhibit C (Summary Chart).

The studies and research have reached consistent results in finding that children of gay and lesbian parents suffer no more psychological problems and no greater developmental disabilities than children raised by heterosexual parents. Comparisons between lesbian and heterosexual mothers have revealed few differences in child rearing practices, life-styles, role conflicts, and coping strategies.

The initial studies of the 1980s assessed children whose parents had divorced, comparing those who were living with lesbian mothers with those who were living with heterosexual mothers. They found no differences in cognitive, social, academic, behavioral or emotional adjustment.

Then a series of studies was done evaluating the well-being of children who had grown up from the beginning with lesbian mothers, comparing them to children who had grown up with heterosexual mothers. Again, they found no differences in academic success, self-esteem, behavior, emotional adjustment or social relationships. For the most part, the boys were typical boys and the girls were typical girls. The only difference found was the teachers rated the children whose parents were gay as less aggressive, and more affectionate and nurturing than the children who were raised by heterosexual parents.

There have been criticisms leveled at this entire body of research because the number of children in each study is small, and they were all based on volunteers who came forward and agreed to participate in the studies and so the samples were quite unrepresentative, being mostly white, urban, well-educated and affluent. While it is true that the samples in each study were small, taken together we have data on more

than 500 children whose parents were gay or lesbian, and there is an amazing consensus about the results.

Moreover, there more recently have been studies that have avoided the selective sampling that has been criticized in earlier studies.<sup>1</sup> One of these studies used data from a cohort study that enrolled all children born within a particular county in England during one year, the well-being of 7 year old children whose parents self-identified as lesbian was compared to the well-being of peers whose parents were heterosexual. No differences were found in maternal warmth, emotional involvement, enjoyment of motherhood, frequency of conflicts, supervision of the child, abnormal behaviors reported by parents or teachers in the child, children's self esteem, or psychiatric disorders.

On the other hand there were significant differences in warmth, parenting quality and enjoyment, emotional involvement, imaginative play activities, severity of conflicts, supervision of the child, maternal stress, and abnormal child behaviors reported by teachers--all favoring two-parent families (lesbian or heterosexual) over single parent families.

The other used a national random sample of US adolescents, a project that was funded by the federal government to try to understand adolescent development in the US. The study I am referring to here demonstrated that adolescents living with two women in a "marriage-like" family arrangement were similar to peers whose parents were heterosexual in measures of self esteem, depression, anxiety, school functioning, school 'connectedness', and school difficulties. Overall, these adolescents reported positive family relationships, including parental warmth, care from others, personal autonomy, and neighborhood integration, and again there were no systematic differences between the same-sex and the opposite-sex parent families. Girls reported somewhat higher levels of care from adults and peers than did boys. There was no difference between the two groups in the proportion of adolescents who reported having had sexual intercourse, nor in the number who reported having a 'romantic relationship' within the past 18 months.

So these studies too found basically the same thing as earlier studies had found: children who were raised by same-sex parents were found to be undistinguishable from children whose parents were heterosexual in any important ways.

### Professional Organizations

The consistency of the scientific research regarding same sex parented families has prompted numerous medical, psychological and child-welfare organizations to adopt policies and opinions to the effect that:

- (1) Same-sex parents have parenting abilities at least equal to those of heterosexual parents; and that
- (2) Children of same-sex parents are as healthy, happy and well-adjusted, and fare as well on all measures of development, as their peers.

Among the organizations to reach these conclusions are the American Academy of Pediatrics, the American Academy of Family Practitioners, the Child Welfare League of America, National

Association of Social Workers, National Council on Adoptable Children, American Psychological Association, American Psychiatric Association and American Psychoanalytic Association.<sup>1</sup>

Of these organizations, I would like to highlight the positions taken by the American Academy of Pediatrics (AAP), an organization with which I have long been affiliated. The AAP was formed in 1930 and is an organization of 60,000 pediatricians whose mission is to attain the optimal physical, mental, and social health and well-being for infants, children, adolescents and young adults. One of the ways AAP accomplishes its mission is to further the professional education of its members by issuing policy statements. Policy Statements are AAP's way to collect the prevailing research on a particular topic and disseminate it not only to its members but to the public at large.

There are two statements by the AAP that I would like to bring to your attention.

First, in 2002, the AAP published a Technical Report and Policy Statement entitled *Coparent or Second Parent Adoption by Same-Sex Parents*. See Pediatrics Vol. 109 No. 2, February 2002, pp. 339-344. I was the principal author of the Technical Report and a consultant on the Policy Statement, both of which summarized three decades of research on the well-being of children raised by gay or lesbian parents. The formal policy adopted by the AAP stated that children who grow up with "gay or lesbian parents fare as well in emotional, cognitive, social and sexual functioning as do children whose parents are heterosexual. Children's optimal development appears to be influenced more by the nature of the relationships and interactions within the family unit than by the particular structural form it takes."

The AAP also stated that "Children deserve to know that their relationships with both of their parents are stable and legally recognized. This applies to all children, whether their parents are of the same or opposite sex." In conclusion, the AAP policy called upon pediatricians to "support the right of every child and family to the financial, psychologic, and legal security that results from having legally recognized parents who are committed to each other and to the welfare of their children."

More recently, in July, 2005, the AAP released its analysis of the complex challenges that gay and lesbian parents and their children face due to the exclusion of same-sex parents from marriage, which analysis is entitled *The Effects of Marriage, Civil Union, and Domestic Partnership Statutes and Amendments on the Legal Financial and Psychosocial Health and Well-Being of Children*. See Exhibit D (AAP Analysis, July 2005). I was a consultant to the AAP in connection with this report. In this report, the AAP takes note of the scientific evidence that lesbian mothers and gay fathers are no different from heterosexual parents in ways that are important to their children's well-being, but it also goes on to recognize the critical role that marriage plays in supporting and stabilizing families:

- Children benefit when couples can take family leave to care for one another during illness, when each spouse can automatically inherit from the other, and when both spouses are legally and financially responsible for the children.
- Children benefit in health care and travel situations when doubt about their relationship to their parents is erased.
- Children benefit from having legal protections in place in the case of divorce.
- Children benefit from the social respect and acceptance that marriage confers on their families.

---

<sup>1</sup> The American Academy of Family Physicians has also adopted a policy recommending its members "be supportive of legislation which promotes a safe and nurturing environment, including psychological and legal security, for all children, including those of adoptive parents, regardless of the parents' sexual orientation." Most recently, in June, 2005, the American Medical Association's House of Delegates overwhelmingly endorsed a policy to "support legislation and other efforts to allow adoption of a child by the same-sex partner" who "functions as a second parent or co-parent to that child."

In essence, marriage formalizes committed relationships between the parents and thereby facilitates the stable caretaking, permanence and security that come from having two available parents. Based upon these considerations, among others, the AAP has recognized the inextricable link between the health and well-being of children, the support and encouragement of all parents, and the protection of strong family relationships. Moreover, the AAP has concluded that the denial of marriage rights to gays and lesbian parents harms these couples and their children, by denying them access to the critical rights, protections and obligations that stabilize and support families.<sup>2</sup>

### Common Misperceptions

I understand that witnesses before this Commission have stated that children and the social institution of the family will be irreparably hurt if gay and lesbian parents are given full marriage rights and responsibilities as parents. I can tell you that this allegation has no valid scientific basis whatsoever. No scientifically reliable data have pointed to any risk to children as a result of growing up in a family that includes two loving, responsible, and committed parents.

Also, to the extent there also have been attempts to compare children whose parents are gay or lesbian with children whose parents are divorced or have a single parent, such assertions miss the point. If one parent in a two-parent family is absent as a result of divorce or some other cause, that does cause a problem – at least a diminution in resources available to the child at both the economic and emotional level – and that may, indeed, adversely affect the child. That assertion, however, has no bearing whatsoever on two same-sex parents raising a child together. Again, research and clinical experience have soundly demonstrated that children thrive better in families that include two loving, responsible and committed parents, regardless of whether those two parents are of the same sex or different sex.

Finally, children of gay and lesbian parents are as likely to be heterosexual as are children of heterosexual parents. That is, gay and lesbian parents produce heterosexual children much like heterosexual parents produce gay and lesbian children.

### Conclusion

As a pediatrician and an expert in child development, I take care of many children from many different family structures. That includes children whose parents are single or divorced, and parents who are of different sexes or of the same sexes. I assure you that the stability and the permanence of the parents' relationship with each other is a huge factor in children's optimal development.

Our society provides a set of stabilizing structures to children of married couples. We as a society have done that because it is in the best interest of children to grow up in a stable home and family. Children of same-sex couples deserve an equal opportunity to enjoy those protections that are central to every child's development.

I know that the welfare of children is central to your deliberations. If you believe that the legal protections of marriage contribute to stable homes and relationships for the children of married parents, then your Study Commission Report should recommend that the State of New Hampshire stop denying marriage rights to same-sex couples and their families because marriage would afford the children of

---

<sup>2</sup> Notably, in May, 2005, the American Psychiatric Association also approved a statement in support of legalizing marriage for same-sex couples for many of these very reasons. See [http://www.psych.org/edu/other\\_res/lib\\_archives/archives/200502.pdf](http://www.psych.org/edu/other_res/lib_archives/archives/200502.pdf).

same-sex parents an equal opportunity for stable homes and relationships, so central to all children's optimal development. It just does not make sense for the State of New Hampshire to put legal impediments in the way of parents who are committed to each other and to their children, making it harder for them to establish and maintain a permanent family unit.

As a clinician, I work with many same-sex couples with children, all of whom work very hard to establish security, safety, health and happiness for their kids - just like all parents do. I'd like to end by sharing with you what one such mom told me:

"Chris and I love our children with all of our hearts, and our lives revolve around theirs. We are active participants in our kids' education. We are soccer, baseball, basketball, football and swimming moms. We are active in our church, and our kids sing in the children's choir. We are active in our community. We go camping and hiking and fishing and have fun together. We go on family vacations. And most importantly, we tuck our kids into bed each night with a hug and a kiss, reminding each of them how much we love them with all of our hearts."

I appreciate your time and consideration and would be happy to answer any questions you may have.

## **CURRICULUM VITAE**

**Ellen C. Perrin, M.D.**

### **Office Address:**

The Floating Hospital for Children  
Tufts-New England Medical Center  
750 Washington Street, # 334  
Boston MA 02111

### **Education:**

1964	A.B.	Columbia University (Barnard College)
1968	M.D.	Case Western Reserve University
1981	M.A.	University of Rochester (developmental psychology)

### **Postgraduate Training:**

1968-1969	Intern in Pediatrics Strong Memorial Hospital
1969-1971	Resident in Pediatrics (Chief Resident, 1970-1971) Children's Hospital of the District of Columbia
1976-1977	Fellow in Behavioral Pediatrics University of Rochester

1993-1995      Advanced Training in Family Systems and Family Therapy  
Family Institute of Cambridge

**Hospital Appointments:**

1971-1975      Director, Pediatric Emergency Department  
Strong Memorial Hospital

1971-1977      Associate Director, Pediatric Ambulatory Services  
Strong Memorial Hospital

1973-1977	Associate Pediatrician Strong Memorial Hospital
1978-1986	Active Staff, Pediatrics Vanderbilt University Hospital
1989-2000	Active Staff, Pediatrics University of Massachusetts Medical Center
2000-present	The Floating Hospital for Children Tufts New England Medical Center

**Faculty Appointments:**

1971-1973	Instructor in Pediatrics University of Rochester
1973-1977	Assistant Professor of Pediatrics and of Nursing University of Rochester
1978-1986	Assistant Professor of Pediatrics Vanderbilt University
1983-1986	Scientist John F. Kennedy Center for Research on Education and Human Peabody College, Vanderbilt University
1983-1986	Assistant Professor Department of Psychology and Human Development George Peabody College
1986-1988	Research Fellow M. I. Bunting Institute
1986-1990	Research Associate Harvard School of Public Health
1989-1994	Associate Professor of Pediatrics University of Massachusetts Medical School
1994-2000	Professor of Pediatrics University of Massachusetts Medical School
2000-present	Professor of Pediatrics Tufts University School of Medicine

**Professional Organizations:**

Fellow, American Academy of Pediatrics  
 Member, Ambulatory Pediatric Association  
 Member, Association for the Care of Children's Health  
 Member, Society for Developmental-Behavioral Pediatrics  
 Member, Society for Research in Child Development  
 Member, Society of Pediatric Psychology  
 Member, Collaborative Family Health Care Consortium  
 Society for Developmental and Behavioral Pediatrics:  
     1993-1999           Committee on Subspecialty Certification  
     1994-1996         Executive Council  
     1995-present       Member, Research Committee

1995-present	Member, Program Committee
2002-present	Member, Practice Issues Committee Chair, Productivity subcommittee
1996-1998	President-elect, President
1997-1999	Chair, Executive Committee, Committee on Subspecialty Certification
1998-1999	Immediate Past President

**Licensure:**

Diplomate, American Board of Pediatrics  
Diplomate, National Board of Examiners  
Tennessee, New York, Massachusetts

**Awards:**

1971	Maynard Cohen Award Children's Hospital of the District of Columbia
1992	Senior Residents Teaching Award University of Massachusetts Medical Center

**Faculty Activities:**

1971-1977	University of Rochester Faculty Preceptor, General Pediatrics Clinic and Pediatric Coordinator, Pediatric Continuity Program Preceptor, Pediatric Nurse Practitioner Training Program,
1978-1986	Vanderbilt University Pediatric Continuity Care Program (Vanderbilt Pediatric Group) Medical Director, Behavioral Pediatrics Clinic Faculty Adviser, General Pediatrics Clinic Faculty Adviser, Graduate Degree Committees: Briel, M. F.: The effect of children's experience with asthma on their health locus of control beliefs, 1982. Mendlowitz, D. R.: Children's understanding of the digestive and respiratory systems, 1982
children	Dunlap, S. L.: Cognitive regression during hospitalization Meredith, B.: Understanding of illness concepts among Navajo children, 1984. Campbell, K.: Family relationships as mediators of perceived impact of chronic illness, 1985.
disorders	Shagena, M.: Health locus of control in children with seizure understanding of illness, 1985. Gerrity, P. S.: The development of understanding of illness



- Shapiro, E.: Effects of social support, coping, and illness-related impact on adaptation of families of chronically ill children,  
Hanson, S.: The premenstrual syndrome: A critical analysis and proposed model, 1986.  
Goodman, N.: Preschool children's understanding of reproduction,  
1987.
- Shagena, M.: Causal attributions regarding illness in children with a chronic illness, 1988.
- 1989-2000      **University of Massachusetts Medical Center**  
**Division of Developmental and Behavioral Pediatrics**  
**Director, Developmental and Behavioral Pediatrics Residency**  
**Member, Faculty Development Program**  
**Member, Primary Care Training Program**  
**Adviser, Graduate Degree Committees:**  
    **Brenman, A.: Health behavior: An analysis of children's eating habits, 1989.**  
    **Ayoub, C.: Adjustment of children with a chronic illness: Parent, child and teacher perspectives, 1990.**  
    **Sayer, A.: Academic achievement among children with a chronic illness: A retrospective longitudinal study, 1991.**  
    **Treisman, J.: Factors affecting the self-concept of children with chronic health conditions, 1996.**  
    **McMenamy, J: Children's understanding of physical and psychological conditions, 2000.**
- 1987 to 1999; 2002 to present:   **Resident Adviser**  
1989-2000;   **Resident Education Committee**  
                    **Faculty Development Subcommittee**  
                    **Advocacy Subcommittee**
- 2001 -present: **Resident Curriculum Committee**  
1991-2000   **Facilitator, Collaborative Office Rounds (monthly seminar)**  
1992-2000   **Member, Steering Committee, Behavioral Science Research Core**  
1992-1996   **Member, Departmental Personnel Action Committee**  
1994-1996   **Acting Co-Director, Division of Developmental and Behavioral**  
                    **Member, Search Committee for Director of the Growth and Nutrition Program**  
                    **Member, Search Committee for Director of Developmental and Behavioral Pediatrics**  
                    **Member, Search Committees for faculty members in Child Abuse, Developmental and Behavioral Pediatrics, and Child Life**  
                    **Member, Search Committee for Behavioral Science Director, Department of Family and Community Medicine**
- 1995-2000   **Adjunct Professor, University of Massachusetts School of Public Health**  
1996-2000   **Departmental Representative to Affirmative Action Committee**  
                    **Minority Faculty Subcommittee**  
                    **Disability Subcommittee**
- 1997-1999   **Chair, Departmental Personnel Action Committee**  
1999           **Chair, Search Committee: Departmental Research Coordinator**

1999-2000 Visiting Lecturer, Harvard School of Public Health  
1999-2000 Member, Search Committees for Director of Psychology and for  
Director of ADHD Clinic

**Other Professional Activities:**

1982-1996; 2004 Member, Research Consortium on Chronic Illness in Childhood  
1988-1994 Coordinator, Greater Boston Behavioral Pediatrics Practice Group  
1990-1993 Consultant, Center for AIDS Prevention Studies, University of California  
(San Francisco) School of Medicine  
1990-1993 Coordinator, Eastern New England General Pediatrics Research  
Consortium  
1990-1995 Consultant, School-based AIDS Education and Children's Health  
Concepts Project, Yale University School of Medicine  
1990-1996 Member, Committee on Psychosocial Aspects of Child and Family  
Health, American Academy of Pediatrics  
1991-1997 Editorial Board, *Journal of Developmental and Behavioral Pediatrics*  
1993-present Member, Eastern New England General Pediatrics Research  
Consortium  
1994 Consultant to Maine Medical Center: Development of a resident  
teaching program in Developmental and Behavioral Pediatrics  
1995-1997 Editorial Board, *Ambulatory Child Health*  
1995-present Editorial Board, *Family, Systems & Health*  
1997-2002 Editorial Board, *Journal of Pediatric Psychology*  
1997-2002 Co-Editor for Special and Review Articles, *Journal of Developmental and  
Behavioral Pediatrics*  
2002-present Editorial Board, *Journal of Developmental and Behavioral Pediatrics*  
1997-1999 Member, Cochrane Review Group for Developmental-Behavioral  
Pediatrics  
1998-2002 Member, Special Emphasis Panel (RPHB-3), Center for Scientific Review,  
National Institutes of Health  
2001-2002 Member, Consortium on Behavioral Pediatrics, American Academy of  
Pediatrics Child Health Research Institute  
2002-present Editorial Board, *Ambulatory Pediatrics*  
1999-2003 Chair, Subboard of Developmental-Behavioral Pediatrics,  
American Board of Pediatrics  
2003-2006 Member, Subboard of Developmental-Behavioral Pediatrics,  
American Board of Pediatrics

**Journal Reviewer:**

**A. Regular**

*Archives of Pediatrics and Adolescent Medicine*  
*Journal of Developmental and Behavioral Pediatrics*

*Journal of Pediatric Psychology*  
*Pediatrics*  
*Ambulatory Pediatrics*  
*Families, Systems, and Health*

**B. Occasional**

*Child Development*  
*Children's Health Care*  
*Journal of Pediatrics*  
*New England Journal of Medicine*  
*Public Health Reports*

**Grants Awarded**

1. William T. Grant Foundation  
Understanding illness project: 1981-1983 (PI)  
Adjustment of children to chronic illness: 1983-1986  
Total award: \$441,853
2. March of Dimes Foundation  
Understanding illness project: (PI) 1981-1983 – \$25,000
3. March of Dimes Foundation  
The contribution of the intensity and duration of physical illness to children's adjustment: (PI) 1986-1988 – \$30,000
4. William T. Grant Foundation  
Facilitating family-centered, community-based care for children with special health care needs: (PI) July 1991-June 1993 – \$97,423
5. Jessie B. Cox Charitable Trust  
Facilitating family-centered, community-based care for children with special health care needs (PI) . September 1991-August 1993 – \$75,000
6. U.S. Bureau of Maternal and Child Health  
Guiding Appropriate Pediatric Services (GAPS) for children with special health care needs and their families: Approved for five years – March 1993-December 1997 (PI)  
\$204,940 per year  
\$973,465 total award
7. Public Service Endowment Fund  
Education and communication resources for families of children with chronic health conditions: (PI) 1992-1993 –\$5,900
8. Joseph P. Healey Grant  
Pediatric care for gay or lesbian families: (PI) 1993-1994 – \$3,812.15
9. Joseph P. Healey Grant  
Knowledge and attitudes of pediatricians regarding children with gay and lesbian parents: (PI) 1994-1995 – \$6,000

10. Innovations in Medical Education Grant (University of Massachusetts): Children's Understanding of Illness (production of videotape). \$7500.00 (one year)
11. Department of Health and Human Services  
Training Program in Behavioral/Developmental Pediatrics: (PI) Approved and funded for 5 years: 1991-1996; \$129,836 annually
12. University of Massachusetts Center for Adoption Research and Policy  
Investigating the relationship between adoption and ADHD: (PI) September 1998- August 1999 – \$14,656
13. Innovations in Medical Education Grant (University of Massachusetts): Families of Children with a Chronic Health Condition –production of a teaching videotape, 2000 (one year); \$9,000.
14. The Noonan Foundation, Cultural Concepts: Chinese-American children's understanding of ADHD; co-investigator (PI: Jannette McMenemy, Ph.D.) \$51,000 (one year, 2001)
15. New England Medical Center Research Fund, Children's Understanding and Coping with ADHD; co-investigator (PI: Jannette McMenemy, Ph.D.) \$49,000 (one year, 2001)
16. Natalie Zucker Research Award for Women Scholars, pilot project investigating the impact of a sibling's suicide upon adolescents and young adults. (one year, 2001) \$15,000.
17. National Institute of Mental Health: Preventive Intervention for Children at risk for ADHD. (PI) (three years, pilot/feasibility project); 2003-2006
18. Commonwealth Fund: Preventive Intervention for Children at risk for ADHD: an urban extension (PI); one year 2003-2004

**Grants under Review:**

The Experience of Stigma among Children and Adolescents with ADHD. Revision submitted to NICHD November 2004 ((initial score 184)  
Preventive Intervention for Toddlers at risk for ADHD: a randomized control trial. Submitted to NIMH Feb. 1, 2005

**Peer-reviewed Publications:**

1. Perrin EC, Goodman HC: Telephone management of acute pediatric illness. *The New England Journal of Medicine* 298:130-135, 1978.
2. Goodman HC, Perrin EC: Evening telephone call management by nurse practitioners and physicians. *Nursing Research* 27:233-237, 1978.
3. Perrin EC, Gerrity PS: There's a demon in your belly: Children's understanding of illness. *Pediatrics* 67:841-849, 1981.
4. Perrin EC, Perrin JM: Clinicians' assessments of children's understanding of illness. *American Journal of Diseases of Children* 137:874-878, 1983.

5. Perrin EC, Gerrity PS: Development of children with a chronic illness. *Pediatric Clinics of North America* 31:19-31, 1984.
6. Eisenberg D, Kirchner SG, Perrin EC: Neonatal skull depression unassociated with birth trauma. *American Journal of Radiology* 143:1063-1064, 1984.
7. Perrin EC, Shapiro E: Who's in charge? Health locus of control beliefs of healthy children, children with a chronic physical illness, and their mothers. *Journal of Pediatrics* 107:627-633, 1985.
8. Perrin EC, Ramsey BK, Sandler HM: Competent kids: Children and adolescents with a chronic illness. *Child: Care, Health and Development* 13:13-32, 1987.
9. Stein R, Gortmaker S, Perrin E, Perrin J, Pless IB, Walker DK, Weitzman M: Severity of illness: Concepts and measurements. *Lancet* 1506-1509, December 26, 1987.
10. Shagena MM, Sandler HM, Perrin EC: Concepts of illness and perception of control in healthy children and children with a chronic illness. *Journal of Developmental and Behavioral Pediatrics* 9:252-256, 1988.
11. Mendlowitz D, Cerreto M, Tarnowski K, Perrin E: Understanding respiration and digestion: A developmental comparison of healthy and asthmatic children. *Children's Health Care* 17:45-49, 1988.
12. Perrin JM, MacLean WE, Perrin EC: Parental perceptions of health status and psychological adjustment in children with asthma. *Pediatrics* 83:26-30, 1989.
13. Merkens MJ, Perrin EC, Perrin JM, Gerrity PS: The awareness of primary physicians of the psychosocial adjustment of children with a chronic illness. *Journal of Developmental and Behavioral Pediatrics* 10:1-6, 1989.
14. Triggs BG, Perrin EC: Who's listening? Improving communication about parents' concerns regarding behavior and development of preschool children. *Clinical Pediatrics* 28:185-192, 1989.
15. Perrin EC, West PD, Culley B: Is my child normal yet? Correlates of vulnerability. *Pediatrics* 83:355-363, 1989.
16. Culley B, Perrin E, Chaberski M: Parental perceptions of vulnerability of formerly premature infants. *Journal of Pediatric Health Care* 3:237-245, 1989.
17. Walker DK, Stein REK, Perrin EC, Jessop D: Assessing psychosocial adjustment of children with chronic illnesses: A review of the technical properties of PARS III. *Journal of Developmental and Behavioral Pediatrics* 11:116-121, 1990.
18. Perrin EC, Sayer AG, Willett JB: Sticks and stones may break my bones.... Reasoning about illness causality in children who have a chronic illness. *Pediatrics* 88:608-619, 1991.
19. Perrin EC, Stein REK, Drotar D: Cautions in using the Child Behavior Checklist: Observations based on research about children with a chronic illness. *Journal of Pediatric Psychology* 16:411-421, 1991.
20. Sanger MS, Perrin EC, Sandler HM: Development in children's causal theories of their seizure disorders. *Journal of Developmental and Behavioral Pediatrics* 14:88-93, 1993.
21. Perrin EC, Ayoub CC, Willett JB: In the eyes of the beholder: Family and maternal influences on perceptions of adjustment of children with a chronic illness. *Journal of Developmental and Behavioral Pediatrics* 14:94-105, 1993.
22. Perrin EC, Newacheck P, Pless IB, et al: Issues involved in the definition and classification of chronic health conditions. *Pediatrics* 91:787-793, 1993.
23. Sayer AG, Willett JB, Perrin EC: Measuring understanding of illness causality in healthy children and in children with chronic illness: A construct validation. *Journal of Applied Developmental Psychology* 14:11-36, 1993.
24. Schonfeld DJ, Johnson SR, Perrin EC, O'Hare LL, Cicchetti DV: Understanding of AIDS by elementary school children. *Pediatrics* 92:389-395, 1993.

25. Gold M, Perrin E, Futterman D, Friedman S: Children of gay or lesbian parents. *Pediatrics in Review*, 15:354-358, 1994.
26. Johnson S, Schonfeld D, Siegel D, Krasnovsky F, Boyce J, Salita P, Boyce T, Perrin E: What do minority children understand about the causes of AIDS, colds, and obesity? *Journal of Developmental and Behavioral Pediatrics* 15:239-247, 1994.
27. Drotar D, Stein REK, Perrin EC: Methodological issues in using the Child Behavior Checklist and its related instruments in clinical child psychology research. *Journal of Clinical Child Psychology* 24:184-192, 1995.
28. Schonfeld DJ, O'Hare LL, Perrin EC, Quackenbush M, Showalter DR, Cicchetti DV: A randomized, controlled trial of a school-based, multi-faceted AIDS education program in the elementary grades: The impact on comprehension, knowledge and fears. *Pediatrics* 95:480-486, 1995.
29. Perrin EC, Kulkin H.: Pediatric care for children whose parents are gay or lesbian. *Pediatrics* 97:629-635, 1996.
30. Cheng TL, Perrin EC, DeWitt TG, O'Connor KG: Use of checklists in pediatric practice. *Archives of Pediatrics and Adolescent Medicine* 150:768, 1996.
31. Perrin E: Pediatricians and gay and lesbian youth. *Pediatrics in Review* 17:311-318, 1996.
32. Bauman L, Drotar D, Leventhal J, Perrin E, Pless IB: Interventions to prevent or reduce psychosocial risks of chronic physical illness in children. *Pediatrics* 100:244-251, 1997.
33. McEvoy P, Cunningham M, Perrin E: What do kids think: The development of children's concepts of illness. *Academic Medicine* 72:430-431, 1997.
34. Perrin E: Children in diverse family constellations. *Pediatrics* 99:881-882, 1997.
35. Perrin EC, Sack S: Health and development of gay and lesbian youth: Review and implications for HIV/AIDS. *AIDS Patient Care* 12:303-313, 1998.
36. Perrin EC: Ethical questions about screening. Commentary. *Journal of Developmental and Behavioral Pediatrics* 19:350-352, 1998.
37. Perrin EC: Children whose parents are lesbian or gay. *Contemporary Pediatrics* 15:113-130, 1998.
38. Perrin EC: The promise of collaborative care. *Developmental and Behavioral Pediatrics* 20:57-62, 1999.
39. Perrin EC: Collaboration in primary care: A pediatrician's view. *Journal of Pediatric Psychology*, October 1999.
40. Perrin EC, Lewkowicz C, Young MH: Shared vision: Concordance among fathers, mothers, and pediatricians about unmet needs of children with chronic health conditions. *Journal of the Ambulatory Pediatric Association*, January 2000.
41. Perrin EC and Starr S Addressing Common Pediatric Concerns Through Children's Books. *Pediatrics in Review*. 21:130-138, 2000
42. Starr S and Perrin EC, Teaching about Schools in Pediatric Residency. Being revised for *Ambulatory Pediatrics*
43. McMenemy, JM and Perrin, EC. Integrating psychology into pediatrics: The past, the present, and the potential. *Family, Systems, and Health*. 2002
44. Young, M, McMenemy, JM, Perrin, EC. Parent advisory groups in pediatric practices: Parents' and professionals' perceptions. *Archives of Pediatric and Adolescent Medicine*. 155: 692-698, 2001
45. Sack S, Drabant B, Perrin EC: Communicating about Sexuality: An initiative across clerkships. *Academic Medicine*, 77: 1159-1160, 2002

46. Horwitz SM, Kelleher KJ, Boyce WT, Jensen P, Murphy M, Perrin EC, Stein REK, Weitzman M. Barriers to Health Care Research for Children and Youth with Psychosocial Problems, *Journal of the American Medical Association*, 288:1508-1512, 2002.
47. Perrin EC and Stancin T. A Continuing Dilemma: Whether and how to screen for concerns about children's behavior. *Pediatrics in Review*: 23:264-275, 2002.
48. Perrin EC. Technical Report: Coparent or Second-parent Adoption by Same-sex Parents. *Pediatrics*, 109: 341-344, 2002
48. McMenamy, JM, Wiser, M, Perrin, EC. Age-related differences in how children with ADHD understand their condition: Biological or psychological theories? *Journal of Applied Developmental Psychology*; in press.
49. McMenamy, JM and Perrin, EC. Filling the GAPS: Evaluation of a primary care intervention for children with chronic health conditions. *Ambulatory Pediatrics*. June 2004, p. 249-256.
50. Perrin EC, editor, Cohen K, Gold M, Ryan C, Savin-Williams R, Schorzman C: Gay and Lesbian Issues in Pediatric Health Care. *Current Problems in Pediatric and Adolescent Health Care*, 34(10), 349-404, 2004
50. Perrin EC: Pediatricians' personal histories as predictors of attitudes about psychosocial issues. In preparation.
52. McMenamy, JM and Perrin, EC. Children's and parents' understanding of the nature, causes treatment of ADHD. In preparation for *Journal of Developmental and Behavioral Pediatrics*

#### Other Publications:

1. Perrin EC: Urinary tract infections in children. *Update International* 1:219-223, 1974.
2. Perrin EC: Pediatric care over the telephone, pp. 147-159 in *The Effectiveness of Primary Health Care to Children*, JA O'Shea, ed, DC Heath and Company (Collamore Press), Lexington MA, 1980.
3. Perrin EC: Children's understanding of illness, pp. 293-306 in *Pediatrics Update: Reviews for Physicians*, Vol. 5, A Moss, ed, Elsevier Press, New York, 1983.
4. Perrin EC: The development of concepts about illness, pp. 32-41 in *Child Health Care Communications*, SM Thornton and WK Frankenburg, eds, Johnson & Johnson Company, 1983.
5. Perrin EC, Perrin JM: Anti-intellectual trends and traditions in academic medicine, pp. 313-326 in *Conflict and Consensus*, W Powell and R Robbins, eds, The Free Press, New York, 1984.
6. Perrin EC: How kids understand diabetes: The development of concepts about causation and treatment. *Diabetes Forecast* 39:36-39, 1986.
7. Perrin EC, Pemberton S: A new twist in health education. *Science and Children* 1986.
8. Perrin E, West PD, Culley BS: Is my child normal yet? *Advances of the Institute for the Advancement of Health* 6:14-17, 1989.
9. Perrin EC, Perrin JM: Ambiguity and dysfunction in the training of physicians, in *Social Roles and Social Institutions*, JR Blau and N Goodman, eds, Westview Press, San Francisco, 1991.
10. Perrin EC: Hospitalization, surgery, and medical procedures, pp. 297-300 in *Developmental-Behavioral Pediatrics*, MD Levine, WB Carey, and AC Crocker, eds, WB Saunders Company, 1992.; also in third edition 2000.

11. **Perrin EC:** Children in hospitals: Commentary. *Journal of Developmental and Behavioral Pediatrics* 14:50-52, 1993.
12. **Perrin E, Starr M:** Letter to Editor, *Journal of Learning Disabilities* 26:426-427, 1993.
13. **Perrin E:** Children with a chronic health condition, in *Behavioral and Developmental Pediatrics: A Handbook for Primary Care*, S Parker and B Zuckerman, eds, Little, Brown and Company, Boston, 1995.
14. **Perrin E:** Pediatric screening for behavioral problems, in *Behavioral and Developmental Pediatrics: A Handbook for Primary Care*, S Parker and B Zuckerman, eds, Little, Brown and Company, Boston, 1995.
15. **Perrin E, Schonfeld D:** Psychosocial aspects of physical illness, in *Rudolph's Pediatrics*, 20th Edition, 1995; 21st Edition, 2000.
16. **Gold M, Perrin E:** Diverse family constellations and their effects on the children, in *Adolescent Health Care*, S Friedman, ed, 1996.
17. **Schonfeld DJ, Perrin EC, Quackenbush M, O'Hare LL, Showalter DR, Cicchetti DV:** Success by regular classroom teachers in implementing a model elementary school AIDS education curriculum, in *AIDS Education*, Schenker et al., eds, Plenum Press, New York, 1996.
18. **Perrin E, Gold M:** Children in gay- and lesbian-headed families, in *Primary Pediatric Care*, 3rd Edition, RA Hoekelman, ed, Mosby Company, 1997.
19. **Perrin E:** Discipline, in *Primary Pediatric Care*, 3rd Edition, RA Hoekelman, ed, Mosby Company, 1997; 4th Edition, 2000.
22. **Perrin EC:** Gay and lesbian issues in pediatric health care, in *Ambulatory Pediatrics*, 5th Edition, M Green, R Haggerty, and M Weitzman, eds, WB Saunders, 1998.
23. **Regular contributor, "Ask the experts".** *Contemporary Pediatrics* 14:33-38, 1997-present.
24. **Perrin EC.** Helping Parents and Children Understand "Gender Identity Disorder", *The Brown University Child and Adolescent Behavior Letter*, January 2003
25. **Perrin, EC,** Chronic Conditions, in *Developmental and Behavioral Pediatrics*, 2<sup>nd</sup> edition, Parker, Zuckerman Augustyn, eds., Lippincott Williams and Wilkins, Philadelphia 2005
26. **Perrin EC,** Gender Identity Issues, in *Developmental and Behavioral Pediatrics*, 2<sup>nd</sup> edition, Parker, Zuckerman Augustyn, eds., Lippincott Williams and Wilkins, Philadelphia 2005
27. **Perrin EC,** Gay and Lesbian Parents, in *Developmental and Behavioral Pediatrics*, 2<sup>nd</sup> edition, Parker, Zuckerman Augustyn, eds., Lippincott Williams and Wilkins, Philadelphia 2005
28. **Stancin T and Perrin EC,** Behavioral Screening, in *Developmental and Behavioral Pediatrics*, 2<sup>nd</sup> edition, Parker, Zuckerman Augustyn, eds., Lippincott Williams and Wilkins, Philadelphia 2005
29. **Menvielle E, Tuerck C, and Perrin EC.** The Beat of a Different Drummer: Children who do not follow gender-typical expectations; *Contemporary Pediatrics*, Feb 2005, vol. 22.

#### Videotapes:

1. **Perrin EC, McEvoy P, Cunningham M:** Children's understanding of illness concepts, 1996.
2. **Perrin EC, Schott J,** Somehow we'll make it work: Children with chronic health conditions and their families: 2002



**Book:**

**Ellen C. Perrin, *Sexual Orientation in Child and Adolescent Health Care.*  
Kluwer-Plenum Academic Publishers, New York, 2002**

**Presentations:**

1. Telephone management of acute illness. Annual meetings, Ambulatory Pediatric Association, May, 1977.
2. The development of concepts regarding illness. Annual meetings, Society for Research in Child Development, March, 1979.
3. Children's understanding of illness. Annual meetings, Ambulatory Pediatric Assn, May, 1979.
4. Quality of care provided by nurse practitioners. University of Alabama, Sept., 1979.
5. The development and communication of concepts about illness in preschool children. Johnson & Johnson Round Table, Colorado Springs, Colorado, October, 1982.
6. Competence of children and adolescents with a chronic physical illness. Annual meetings, Society for Behavioral Pediatrics, April, 1984.
7. Learning from experience? Children's understanding of illness. Annual meetings, Society for Behavioral Pediatrics, April, 1984.
8. Health locus of control beliefs of healthy children, children with a chronic physical illness, and their mothers. Annual meetings, Ambulatory Pediatric Association, May, 1984.
9. Developmental implications of chronic illness. Case Western Reserve University, Cleveland, December, 1984.
10. Hyperactivity in children. Presentation on Channel 5 (TV), August, 1985.
11. Competent kids: Children and adolescents with a chronic illness. Annual meetings, Society for Research in Child Development, April, 1986.
12. Children's locus of control beliefs and understanding of illness concepts. Annual meetings, Society for Behavioral Pediatrics, May, 1986.
13. Improving communication about behavior and development by using a checklist. Annual meetings, Ambulatory Pediatric Association, May, 1986.
14. The development of beliefs and concepts about illness. British Psychological Society, Section on Developmental Psychology, Exeter, England, September, 1986.
15. Coming to understand: How children learn about illness. Henry A. Murray Research Center Colloquium, November, 1986.
16. Outcomes of prematurity: The vulnerable child syndrome. Annual meetings, Society for Research in Child Development, April, 1987.
17. Conversation hour: Issues and possibilities in research with children with a chronic illness. Society for Research in Child Development, April 1987.
18. Special issues for special kids: Research with children with a chronic illness and their families. Mary Ingraham Bunting Institute, Radcliffe College, Cambridge, Massachusetts, Sept., 1987.
19. Reasoning about illness and body functioning in children with a chronic illness. Florida Conference on Child Health Psychology, April, 1989.
20. Adjustment of children with a chronic illness. FL Conf. on Child Health Psychology, April, 1989.
21. Parents' and children's perspectives on adjustment of children with a chronic illness. Annual meetings, Society for Research in Child Development, April, 1989.
22. Chronic illness and cognitive development. Annual meetings, Soc. for Research in Child Development, April, 1989.

23. Adjustment of children with a chronic illness: Parents', children's, and teachers' perspective on family influences. Annual meetings, Society for Research in Child Development, April, 1989.
24. Growth over time in children's understanding of illness concepts. Annual meetings, Society for Behavioral Pediatrics, November, 1989.
25. Children's understanding of seizures and epilepsy. Annual meetings, Society for Behavioral Pediatrics, Nov. 1989.
26. Family influences on the adjustment of children with a chronic illness. Annual meetings, American Psychological Association, August, 1990.
27. Family characteristics predicting successful adjustment among children with a chronic illness. Annual meetings, Society for Behavioral Pediatrics, September, 1990.
28. Perspectives on successful adjustment of children with a chronic illness. Annual meetings, Society for Behavioral Pediatrics, September, 1990.
29. Adjustment of children with a chronic illness: The contributions of characteristics of the child to perceptions of adjustment. Annual meeting, Soc. for Research in Child Development, April, 1991.
30. Construct validity of a scale assessing children's understanding of illness causality. Annual meetings, Society for Research in Child Development, April, 1991.
31. Factors affecting different perceptions of children's adjustment. Annual meetings, Society for Behavioral Pediatrics, September, 1991.
32. The influence of child characteristics on child adjustment in children with a chronic illness. Annual meetings, Society for Behavioral Pediatrics, September, 1991.
33. Illness severity as a predictor of children's adjustment. Ambulatory Pediatric Association-Region I, February, 1992.
34. Associations among severity and duration of illness and children's adjustment. Annual meetings, Ambulatory Pediatric Association, May, 1992.
35. Adjustment of children with a chronic condition: The contribution of family, child, and illness characteristics. Annual meetings, Ambulatory Pediatric Association, May, 1993.
36. Children's understanding of AIDS, colds, and cancer. Annual meetings, Ambulatory Pediatric Association, May, 1993.
37. Elementary school AIDS education: The impact on children's comprehension, knowledge, and fears. Seventh International Conference on AIDS Education, November, 1993.
38. Early recognition of children in trouble. American Academy of Pediatrics Fall Meeting, November, 1993.
39. Systematic management of behavior problems in practice. American Academy of Pediatrics Fall Meeting, November, 1993.
40. One teenager in ten: Pediatricians and gay and lesbian youth. Grand Rounds, Dartmouth University School of Medicine, November, 1993.
41. Pediatric care for children whose parents are lesbian or gay. Annual meetings, Society for Behavioral Pediatrics, September, 1994.
42. One teenager in ten: Pediatricians and gay and lesbian youth. Grand Rounds, Brown University School of Medicine, Hasbro Children's Hospital, November, 1994.
43. Children's understanding of AIDS: Implications for education. Symposium discussant: Society for Research in Child Development, April, 1995.
44. Pediatric care for children whose parents are gay or lesbian. Gay and Lesbian Medical Association Symposium, August, 1995.
45. One teenager in ten: Pediatricians and gay and lesbian youth. University of Connecticut Combined Community Grand Rounds, November, 1995.
46. Attitudes of primary care pediatricians towards psychosocial issues in practice. Annual meetings, Society of Developmental and Behavioral Pediatrics, September, 1996.

47. Social support as a buffer of psychosocial distress for gay and lesbian youth (with Lisa Campbell, MD). Annual meetings, Society for Developmental and Behavioral Pediatrics, September, 1996.
48. One in ten: Pediatricians and gay and lesbian youth. Special presentation, American Academy of Pediatrics Annual Meeting, October, 1996.
49. Pediatricians' caring for complex psychosocial issues. Annual meetings, Society for Research in Child Development, April, 1997.
50. Social support for gay and lesbian youth (with Lisa Campbell, MD). Annual meetings, Society for Research in Child Development, April, 1997.
51. One in ten: Pediatricians and gay and lesbian youth. Half-day continuing education workshop, Maine Medical Center, April, 1997.
52. Attitudes of pediatricians about psychosocial issues. Annual meetings, Ambulatory Pediatric Association, May, 1997.
53. Evaluating a teaching videotape describing children's concepts of illness (with Paula McEvoy, MD, Melody Cunningham, MD). Annual meetings, Ambulatory Pediatric Association, May, 1997.
54. Social support for gay and lesbian youth (with Lisa Campbell, MD). Annual meetings, Ambulatory Pediatric Association, May, 1997.
55. Spanking. NBC TODAY Show, August, 1997.
56. Health care issues for gay and lesbian youth. Grand Rounds, Deaconess-Glover Hospital, October, 1997.
57. Health care issues for gay and lesbian youth. Massachusetts General Hospital Pediatric Primary Care CME Course, December 10, 1997.
58. Health care issues for gay and lesbian youth. Massachusetts General Hospital Pediatric Primary Care CME Course, December 10, 1998.
59. Childhood depression revisited: Can we do this in our offices? Massachusetts Chapter of the American Academy of Pediatrics, January 9, 1999.
60. Children's and parents' understanding of the nature, causes, and treatments of ADHD. Regional Meeting, Ambulatory Pediatric Association, March 21, 1999.
61. Psychological and biological theories in children's explanations about ADHD. Annual meetings, Society for Research in Child Development, April 18, 1999.
62. ADHD: What children think about it and how they live with it. Florida Conference on Child Health Psychology, April 21, 1999.
63. The role of parent advisers in pediatric practice. Florida Conference on Child Health Psychology, April 23, 1999.
64. Children's and parents' understanding of the nature, causes, and treatments of ADHD. Annual meetings, Pediatric Academic Societies, May 3, 1999.
65. ADHD: Ethical and policy issues. Harvard School of Public Health, Child Health Workgroup, May 11, 1999.
66. Needs and resources for multidisciplinary care for underserved families. Child Health Associates, Manchester, New Hampshire, May 26, 1999.
67. Argentina Pediatric Society, June 24-26, 1999:
  - Children's understanding of illness.
  - Teaching parents effective discipline.
  - Gay and lesbian youth.
  - Gay and lesbian parents and their children.
68. Gay and lesbian youth. Massachusetts General Hospital Grand Rounds, June 1, 1999.
69. Beyond screening for developmental/behavioral concerns. American Academy of Pediatrics Annual Meeting, October 10, 1999.
70. Pediatricians and gay/lesbian youth. Grand Rounds, University of Massachusetts Medical Center, October 15, 1999.

71. McMenemy, JM and Perrin, EC. Children's understanding of psychological and physical conditions. Annual Meeting, Society for Developmental and Behavioral Pediatrics, Providence, RI., 2000.
72. McMenemy JM and Perrin, EC. Evaluation of a primary care intervention for children with chronic health conditions. Annual Meeting, Pediatric Academic Societies, Baltimore, MD., 2001.
73. Schott J, McMenemy JM, Perrin, EC. A developmental analysis of how children with ADHD understand the condition. Annual meeting, Pediatric Academic Societies, Baltimore, MD., 2001.
74. Developmental and Cultural Concepts: applications for pediatricians. Workshop at Pediatric Academic Societies, Baltimore, MD., May 2002
75. Gay and Lesbian Teens and their Parents; Gay and Lesbian Parents and their Kids: roles for pediatricians. Workshop at Pediatric Academic Societies, Baltimore MD, May 2002
76. Gay and Lesbian Parents and their children. Children's Hospital Boston, June 2002
77. Sexual Orientation in Pediatric Practice. Seminars in Adolescent Medicine, Children's Hospital Boston, September 2002
78. Screening for Behavioral Problems in Pediatric Practice, Massachusetts Medical Society, 2002
79. Making Pediatric Offices Safe for non-heterosexual patients and their families. Annual Meeting of the Gay and Lesbian Medical Association, Toronto 2002
80. Talking to Teens and their Parents about Sexual Orientation. Annual Meeting of the Pediatric Academic Societies, Seattle, WA, May 6, 2003
81. Children whose Parents are Gay or Lesbian. Grand Rounds, New England Medical Center, Boston, May 14, 2003
82. Children whose Parents are Gay or Lesbian. Child and Adolescent Psychiatry Seminar, McLean Hospital, May 15, 2003
83. Children whose Parents are Gay or Lesbian. Grand Rounds, Children's Hospital of Philadelphia, May 28, 2003
84. Children whose Parents are Gay or Lesbian. Grand Rounds, University of Massachusetts Medical Center, May 28, 2004
85. Children whose Parents are Gay or Lesbian. Faculty Colloquium, Tufts University, Dept. of Child Development, November 22, 2004
86. New England Cable News: Children whose Parents are Gay or Lesbian. Broadcast Dec. 2004
84. Godoy, L, Kavanaugh, K, McMenemy, J, and Perrin, EC. Screening for early behavior problems in pediatric practices: evaluation of a brief parent-report measure (poster). Annual Meeting, Eastern Psychological Association, Boston, MA., 2005
85. McMenemy, JM, Kavanaugh, K, and Perrin, EC. "Does he want to act that way?:" Children's beliefs regarding the causes and treatment of physical psychological conditions (poster). Annual meeting Society of Research in Child Development, Atlanta, GA., 2005
86. Kavanaugh, K, McMenemy, J, Godoy, L, and Perrin, EC. "He'll grow out of it:" Predictors of maternal participation in a parenting intervention to reduce toddler behavior problems (poster). Annual meeting, Society of Research in Child Development, Atlanta, GA., 2005
87. Sheldrick R, McMenemy J, Kavanaugh K, Tannebring E, Perrin E: A Preventive Intervention for ADHD in Pediatric Settings (poster). Pediatric Academic Societies, May 2005
88. Sheldrick R, Briggs-Gowan M, Carter A, Godoy L, Kavanaugh K, Perrin E: Office-Based Screening for Behavior Problems in Toddlers (poster). Pediatric Academic Societies, May 2005

Brittany Bayle.

FILE COPY

Our world tends to make a big fuss  
over bis, gays, and lesbians like us.  
I am in love with her, she loves me,  
something the world refuses to accept and see.  
Lots of people insult us, they show us hate  
because of our girl love, they discriminate.  
Love lies within our beating hearts  
the world is against it, they want us apart.  
Despite the earth my loves shines through,  
they are against us, against what we do.  
All we want is acceptance of our ways  
stop the anger of us being gay.

# Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 791-FN

**BILL TITLE:** relative to religious freedom and civil marriage

**DATE:** March 22, 2007

**LOB ROOM:** 208

**Amendments:**

Sponsor: Rep. Lasky, Baxley, Morrison, & Weber OLS Document #: 2007 0954h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, DTL, Interim Study (Please circle one.)

Moved by Rep. Lasky

Seconded by Rep. Morrison

Vote: 16-4 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, DTL, Interim Study (Please circle one.)

Moved by Rep. Lasky

Seconded by Rep. Morrison

Vote: 15-5 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Gail C. Morrison, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 791

BILL TITLE:

DATE: 3-22-07

LOB ROOM:

Amendments:

Sponsor: Rep. *Gary Morrison*

OLS Document #: 09 <sup>54</sup>/<sub>45</sub> h.

Sponsor: Rep. ~~Morrison~~

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Luby*

Seconded by Rep. *Morrison*

Vote: 15-5 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *No*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Gail C. Morrison, Clerk



UDICIARY

Bill #: 791 Title: \_\_\_\_\_

H Date: 1/1 Exec Session Date: 3/22/07

Motion: adoption of the amendment Amendment #: 0954h

MEMBER	YEAS	NAYS
Cote, David E, Chairman	✓	
Wall, Janet G, V Chairman	✓	
Potter, Frances D	✓	
Lasky, Bette R	✓	
Espiefs, Peter S	✓	
Morrison, Gail C	✓	
Shurtleff, Stephen J	✓	
Baxley, Maureen		✓
Hackel, Paul L	✓	
Preston, Philip	✓	
Richardson, Gary B	✓	
Weber, Lucy McV	✓	
Sorg, Gregory M	✓	
Rowe, Robert H	✓	
Mooney, Maureen C	✓	
Buxton, Donald R	✓	
Elliott, Nancy J		✓
Francoeur, Bea	✓	
DiFruscia, Anthony R		✓
Bettencourt, David J		✓
	16	4

UDICIARY

Bill #: 791

Title: \_\_\_\_\_

'H Date: 1 / 1

Exec Session Date: 3 122 107

Motion: OT PA

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Cote, David E, Chairman	✓	
Wall, Janet G, V Chairman	✓	
Potter, Frances D	✓	
Lasky, Bette R	✓	
Espieffs, Peter S	✓	
Morrison, Gail C	✓	
Shurtleff, Stephen J	✓	
Baxley, Maureen		✓
Hackel, Paul L	✓	
Preston, Philip	✓	
Richardson, Gary B	✓	
Weber, Lucy McV	✓	
Sorg, Gregory M	✓	
Rowe, Robert H	✓	
Mooney, Maureen C		✓
Buxton, Donald R	✓	
Elliott, Nancy J		✓
Francoeur, Bea	✓	
DiFruscia, Anthony R		✓
Bettencourt, David J		✓
	15	5
TOTAL VOTE:		
Printed: 1/9/2007		

# Committee Report

**REGULAR CALENDAR**

**March 22, 2007**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on JUDICIARY to which  
was referred HB791-FN,**

**AN ACT relative to religious freedom and civil  
marriage. Having considered the same, report the  
same with the following amendment, and the  
recommendation that the bill OUGHT TO PASS WITH  
AMENDMENT.**

**Rep. Bette R Lasky**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee: **JUDICIARY**

Bill Number: **HB791-FN**

Title: **relative to religious freedom and civil marriage.**

Date: **March 22, 2007**

Consent Calendar: **NO**

Recommendation: **OUGHT TO PASS WITH AMENDMENT**

**STATEMENT OF INTENT**

This bill would have removed the marriage prohibition for same gender couples. The committee felt for a myriad of reasons that the bill as written was not ready to be passed. The committee chose to amend the entire bill and replace it with a commission to study the legal and social effects of permitting same gender marriage. While some in the majority of the committee strongly believes in marriage equality, we feel that too many legal questions and concerns are still unanswered. With the establishment of a commission which will seriously study all the ramifications of same gender marriages and all the marriage statutes we believe equality

Vote 15-5

Rep. Bette R Lasky  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

**HB791-FN**, relative to religious freedom and civil marriage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bette R Lasky for the **Majority** of JUDICIARY. This bill would have removed the marriage prohibition for same gender couples. The committee felt for a myriad of reasons that the bill as written was not ready to be passed. The committee chose to amend the entire bill and replace it with a commission to study the legal and social effects of permitting same gender marriage. While some in the majority of the committee strongly believes in marriage equality, we feel that too many legal questions and concerns are still unanswered. With the establishment of a commission which will seriously study all the ramifications of same gender marriages and all the marriage statutes we believe equality **Vote 15-5.**

Original: House Clerk

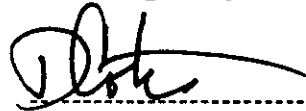
Cc: Committee Bill File

Judiciary

HB 791

This bill would have removed the marriage prohibition for same gender couples. The committee felt for a myriad of reasons that the bill as written was not ready to be passed. The committee chose to amend the entire bill and replace it with a commission to study the legal and social effects of permitting same gender marriage. While some in the majority of the committee strongly believes in marriage equality, we feel that too many legal questions and concerns are still unanswered. With the establishment of a commission which will seriously study all the ramifications of same gender marriages and all the marriage statutes we believe equality can be achieved.

Rep. Lasky

A handwritten signature in black ink, appearing to read 'D. Cote', written over a horizontal dashed line.

Rep. Cote

Bette R. Lasky  
791

OK - ~~OK~~

HB ~~437~~ FN would have removed the marriage prohibition for same gender couples. The committee felt for a myriad of reasons that the bill as written was not ready to <sup>be</sup> passed.

⊕ The committee chose to amend the entire bill and replace it with a commission to study the legal and social effects of permitting same gender marriage. ~~We~~ While ~~the~~ <sup>some</sup> in

the  
majority of

<sup>the</sup> committee strongly believes in marriage equality we feel ~~to~~ ~~with~~ that too many <sup>legal</sup> questions and concerns are still unanswered. With the establishment of a commission <sup>which</sup> ~~will~~ will seriously study all the ramifications of same gender marriages and <sup>all</sup> the ~~entire~~ marriage statutes we believe ~~when everything~~ <sup>true</sup> equality can be achieved.



**REGULAR CALENDAR**

**March 22, 2007**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on JUDICIARY to which  
was referred HB791-FN,**

**AN ACT relative to religious freedom and civil  
marriage. Having considered the same, and being  
unable to agree with the Majority, report with the  
following Resolution: RESOLVED, That it is  
INEXPEDIENT TO LEGISLATE.**

**Rep. Nancy J Elliott**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee: **JUDICIARY**

Bill Number: **HB791-FN**

Title: **relative to religious freedom and civil marriage.**

Date: **March 22, 2007**

Consent Calendar: **NO**

Recommendation: **INEXPEDIENT TO LEGISLATE**

**STATEMENT OF INTENT**

The minority feels that marriage should be between a man and a woman. Additionally, civil unions will most likely pass giving the protections that were sought. The minority also feels this issue was studied extensively in the last commission and that the expense of an additional commission is unnecessary.

Rep. Nancy J Elliott  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

**HB791-FN**, relative to religious freedom and civil marriage. **INEXPEDIENT TO LEGISLATE.**  
Rep. Nancy J Elliott for the **Minority** of JUDICIARY. The minority feels that marriage should be between a man and a woman. Additionally, civil unions will most likely pass giving the protections that were sought. The minority also feels this issue was studied extensively in the last commission and that the expense of an additional commission is unnecessary.

Original: House Clerk  
Cc: Committee Bill File

HB 791 Rep Elliott-Minority

The minority feels that marriage should be between a man and a woman. Additionally Civil unions will most likely pass giving the protections that were sought. The minority also feels this issue was studied extensively in the last commission and that the <sup>an additional</sup> ~~extra~~ commission ~~is unnecessary.~~ of ~~the~~ commission is unnecessary.


Correct one.

OK  
Q

HB 791 Minority

The minority feels that marriage should be between a man and a woman. Additionally, civil unions will most likely pass giving the protections that were sought. The minority also feels this issue was studied extensively in the last commission and that the expense of an additional commission is unnecessary.

Rep. Elliott

A handwritten signature in black ink, appearing to be 'D. Cote', written over a horizontal line.

Rep. Cote