

# The Association of Politically Active Christians

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## QUESTIONS AND ANSWERS REGARDING SAME-SEX “MARRIAGE” AND CIVIL UNIONS

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### **1. What is the status of same-sex “marriage” in New York?**

Same-sex partners cannot legally marry one another in New York. As of this writing, same-sex “marriage” legislation has passed the New York State Assembly three times, but has been voted down in the New York State Senate by a wide margin. On December 2, 2009, after unrelenting pressure from homosexual advocates to bring a same-sex “marriage” bill to a vote, the Senate voted 38-24 against same-sex “marriage.” However, a combination of erroneous court decisions and executive orders now requires state agencies and local governments in New York to recognize same-sex “marriage” licenses obtained in other jurisdictions. There is some ambiguity as to the applicability of these court decisions and executive orders to businesses, employers, and private citizens.

### **2. What is marriage?**

Marriage is a universal social institution, and has existed since the Garden of Eden (Genesis 2:18-25). Marriage is a lifelong, exclusive relationship of mutual care, provision, support, and intimacy between a man and a woman that provides the basic family unit within which children are born and nurtured. Marriage is about complementarity, not sameness. Marriage brings the sexes together in a relationship where the gifts and attributes of both sexes are utilized in the important project of raising the next generation. Quite simply, same-sex partnerships are not marriages.

### **3. Is marriage a good thing?**

Yes, marriage is a good thing – both for individuals and for societies.

People who get married and stay married generally have better physical and mental health, longer lives, and more financial resources than single people.

Marriage is a good thing for cultures as well. Marriage brings a man and a woman together, and values the contributions made by both males and females. Marriage serves important social functions, including regulating sexual behavior, establishing paternity, and providing stable homes within which children can be raised by their mothers and fathers. Generally speaking, children raised by biological parents who are married to each other are more likely to develop into healthy, productive, well-adjusted members of society.

Same-sex partnerships do not provide the same social goods that authentic marriages do. Same-sex partnerships tend to be less monogamous and less long-lasting than authentic marriages. Same-sex partners cannot have children together; when they parent children, same-sex partners cannot and do not provide a home environment where children are raised by their own mother and father, and where, in the words of the New York Court of Appeals, “a child benefits from having before his or her eyes, every

day, living models of what both a man and a woman are like.” (*Hernandez v. Robles*, 7 N.Y.3d 338, 359 (2006))

#### **4. Why do advocates of homosexual behavior want to redefine the institution of marriage to include same-sex partnerships?**

There appear to be two major reasons that advocates of homosexual behavior wish to redefine the institution of marriage to include same-sex partnerships.

The first reason relates to the benefits of marriage. Advocates of homosexual behavior contend that their relationships should be accorded the same benefits and privileges that the state accords married couples, such as medical decision-making authority, inheritance rights, the ability to adopt children jointly, and others. Some of these benefits and privileges, including hospital visitation and the right to make burial decisions, have already been provided to same-sex couples under New York law.

The second reason relates to government endorsement of homosexual relationships. Advocates of homosexual behavior argue that same-sex relationships are just like marriages, and that those relationships ought to be recognized, supported, and affirmed by government. In essence, supporters of same-sex “marriage” seek government’s encouragement, validation, and approval of homosexual behavior. Further, they seek to normalize homosexual behavior and to use government to marginalize and silence those who disagree with homosexual behavior.

#### **5. Is it unconstitutional for New York to limit marriage to opposite-sex couples?**

No. In *Hernandez v. Robles*, 7 N.Y.3d 338 (2006), the Court of Appeals (New York’s highest court) ruled that New York’s current laws defining marriage as a relationship between one woman and one man do not violate the U.S. Constitution or the New York State Constitution. The Court found that there is no fundamental right to same-sex “marriage,” and that it was not irrational for the state to limit marriage to one man and one woman. The Court further held as follows:

In sum, there are rational grounds on which the Legislature could choose to restrict marriage to couples of opposite sex.... If we were convinced that the restriction plaintiffs attack were founded on nothing but prejudice...we would hold it invalid, no matter how long its history.

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Until a few decades ago, it was an accepted truth for almost everyone who ever lived, in any society in which marriage existed, that there could be marriages only between participants of different sex. A court should not lightly conclude that everyone who held this belief was irrational, ignorant or bigoted. We do not so conclude.

*Hernandez*, 7 N.Y. 3d 338, 360-61 (2006).

#### **6. Is it unfair to same-sex partners to limit civil marriage to unions of one man and one woman?**

Contrary to the rhetoric advanced by advocates of homosexual behavior, the state’s decision to define marriage as a relationship between one woman and one man is not unfair to anyone. Unmarried adults in New York State each have the right to marry any consenting, unmarried, unrelated adult of the opposite sex. Also, persons who are involved in same-sex partnerships are not prohibited by law from engaging in those relationships, or from participating in same-sex commitment ceremonies

with their partners. However, a person who chooses to enter into an intimate relationship with a group of people, with a person who is already married, or with a member of the same sex has chosen a relationship that is not recognized as a marriage under New York law. New York's opposite-sex marriage laws leave same-sex partners free to make their own choices, but also leave intact the authentic definition of marriage as the union of one man and one woman.

### **7. Is the state legislating morality by limiting marriage to opposite-sex couples?**

This question is misleading. Our laws are the collective expression of our morality as residents of the State of New York. There are laws against murder because New Yorkers believe it is wrong for anyone to take innocent life, there are laws against environmental pollution because New Yorkers believe in being good stewards of our state's natural resources, and there are laws prohibiting discrimination on the basis of race, sex, and other characteristics because New Yorkers believe in equal opportunity. When it comes to same-sex "marriage," the real question is this: Whose morality will be legislated? The morality of everyday New Yorkers who believe in authentic marriage, or the morality of advocates of same-sex behavior?

In reality, it is advocates of same-sex behavior who seek to impose their idea of morality upon all New Yorkers by redefining the institution of marriage to suit their personal preferences.

### **8. Doesn't having an opposite-sex definition of marriage violate the separation of church and state?**

There are many misconceptions about the so-called "separation of church and state." This phrase does not originate in the United States Constitution, but in a letter written by Thomas Jefferson. The First Amendment to the Constitution provides, in part, that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This language was intended by our Founding Fathers to protect the religious freedoms of Americans, not to bar Christian faith and values from influencing our laws. The laws of the United States and the State of New York are deeply influenced by this nation's Judeo-Christian heritage and values. There is nothing in the Constitution that prevents religious convictions about marriage from informing our perspective on law and government.

### **9. Do other states grant "marriage" licenses to same-sex partners?**

Yes, a few states do. As of this writing, five states (Massachusetts, Vermont, New Hampshire, Connecticut, and Iowa) allow same-sex "marriage." Three of those states began granting same-sex "marriage" licenses after being directed to do so by the courts. On the other hand, 41 states have passed laws and/or state constitutional amendments defining marriage as an opposite-sex institution. In every single state where voters have had the opportunity to determine the definition of marriage at the ballot box, voters have chosen to define marriage as an opposite-sex institution. New York is in the minority of states that have failed to pass a Defense of Marriage Act or a Marriage Protection Amendment.

### **10. How would legalizing same-sex "marriage" harm the institution of marriage?**

The legalization of same-sex "marriage" would radically redefine the family in New York State. The concept of same-sex "marriage" implies that a family can be created without both sexes. The notion that either sex is optional, whether for families or for our society as a whole, is destructive to everyone. Legalizing same-sex "marriage" would also erode the connection between marriage, procreation, and parenting, which could indirectly result in more children growing up without a married mother and father.

### **11. If same-sex “marriage” is legalized, what other types of relationships could be elevated to the status of marriage?**

The legalization of same-sex “marriage” would open the door for the eventual legalization of polygamy. The same arguments used by same-sex “marriage” advocates are already being used by the ACLU and other proponents of “plural marriage.” Same-sex “marriage” also raises the possibility that current restrictions on the age and familial status of married couples will be threatened. Eventually, the institution of marriage could be abolished altogether. These are the logical outcomes of the movement for same-sex “marriage.” If marriage is redefined to include same-sex partnerships, there is no basis to prevent marriage from being redefined to fit the preferences and desires of other special interest groups. The impact such “marriages” could have on children—as well as upon the courts of our state—is staggering.

### **12. How would a same-sex “marriage” law affect me?**

Redefining marriage to include same-sex unions would lead to speech control and infringements upon religious liberty. If same-sex “marriage” becomes legal, advocates of homosexual behavior will use that new legal status as a tool to chill the religious liberties and rights to free speech and free association of those who may disagree with them. The legalization of same-sex “marriage” could also force state and municipal officials to choose between violating their own consciences by solemnizing same-sex “marriages” and violating the law by declining to officiate at such ceremonies. In other states that have legalized same-sex “marriage” or civil unions, charitable organizations have already been placed in the position of making untenable choices between their own core values and the new requirements imposed by same-sex “marriage” legislation.

### **13. If homosexuality is inborn, and same-sex couples are not allowed to get married, isn’t that unfair?**

A full discussion of the causes of homosexuality is beyond the scope of this paper. However, it is important to note that no one has ever proven that homosexuality is inborn or genetic. While many researchers have attempted to prove this point, their results have either been inconclusive or have been rendered meaningless by faulty or outcome-driven research methods. The “inborn” theory of homosexuality is rendered even more dubious in light of the fact that many individuals have had both homosexual and heterosexual relationships during their lives, as well as the fact that thousands of individuals across the United States and the world assert that they were once homosexually oriented, but have become heterosexually oriented. APAC wholeheartedly believes that people can overcome same-sex attractions through a personal relationship with Jesus Christ. However, advocates of homosexual behavior have continued to promote the unproven theory that homosexuality is inborn and unchangeable, and have used that theory to support many of their legal arguments and policy positions. For more information on this complex issue, please see <http://www.narth.com/> or <http://www.exodusinternational.org/>.

### **14. How would same-sex “marriage” affect children?**

Centuries of experience and countless studies demonstrate that children need both mothers and fathers, and that monogamous, authentic marriages are the best environments for child-rearing. While advocates of same-sex “marriage” blithely contend that children of same-sex relationships develop normally and suffer no adverse effects due to the nontraditional structure of their families, the reality is that the jury is still out on the long-term impact of same-sex parenting on children. Also, existing research does not bear out the gay community’s position; rather, it clearly shows that children are affected both by the sex of their parents and the presence of their biological parents, and that children fare best when raised by their two birth parents in intact, married households. Further, the transitory and non-

monogamous nature of many same-sex relationships raises serious concerns about the impact of same-sex “marriage” upon children. While many children already grow up without two opposite-sex, married parents, our state government should not create or encourage such situations. The State of New York has a strong interest in fostering healthy, well-adjusted children, and sanctioning same-sex “marriage” does not serve that interest.

### **15. What are civil unions?**

A civil union is a legal relationship that gives same-sex partners the same rights, benefits, and responsibilities as those enjoyed by married couples. In the United States, civil unions are currently legal in New Jersey; a few other states have enacted domestic partnership laws that are similar to civil unions.

### **16. Are civil unions an acceptable alternative to same-sex “marriage”?**

No. Civil unions represent an attempt by various groups to create a compromise position that appears less controversial and more politically palatable than same-sex “marriage,” but is actually no different than marriage from a state-law perspective. To put it bluntly, civil unions are same-sex “marriage” “lite.” The only advantage in legalizing civil unions rather than same-sex “marriages” is that the word “marriage” would not be redefined. The other negative consequences that would result from the legalization of same-sex “marriage” would also result from the legalization of civil unions.

### **17. What is the Defense of Marriage Act?**

The Defense of Marriage Act (DOMA) is a United States law signed by President Clinton in 1996. DOMA defines marriage, for federal law purposes, as “only a legal union between one man and one woman as husband and wife.”

A Defense of Marriage Act has been proposed in New York. The latest version of this bill (Bill S.3000) provides that “a marriage or union is absolutely void if contracted by two persons of the same sex, regardless of whether such marriage or union is recognized or solemnized in another jurisdiction.”

### **18. I am a person of faith, and I don’t agree with same-sex “marriage.” If I take a stand in support of authentic marriage, am I being hateful, unkind, or judgmental?**

If your stand is based on hatred of homosexual persons, the answer is yes. If your stand is based on Christian convictions about marriage and human sexuality, the answer is no. Justice does not require the redefinition of marriage to accommodate homosexual preferences. Christians should display the love of Christ to those with homosexual inclinations, encouraging them to accept Christ as Savior and repent of their sins—including homosexuality.

### **19. I am a pastor, and I want to make sure that my church does not violate any laws or regulations or compromise its tax-exempt status. May our church take a stand against same-sex “marriage” without getting in trouble with the IRS?**

Yes. Almost all churches are exempt from federal income taxation on the basis that they are operated exclusively for religious, charitable or educational purposes. As a tax-exempt, charitable organization, a church may expend funds for religious, charitable and educational purposes and may expend an insubstantial amount on lobbying and promoting legislation. However, a tax-exempt, charitable organization may not participate or intervene in a political campaign on behalf of any candidate for public office, or endorse any such candidate. In addition, no such organization may endorse a political

party.

Churches are not, however, barred from engaging in issue advocacy. Issue advocacy includes providing information about political issues of concern, actual or potential legislation, and actions taken by political figures. These activities are not prohibited by the IRS, so long as they do not demonstrate a preference on the part of the church toward any particular political candidate or party. Churches may also distribute voter guides relating to candidates for office, so long as those voter guides are nonpartisan and otherwise adhere to IRS rules.

For more information, see the Alliance Defense Fund's 2006 Guideline for Political Activities by Churches and Pastors, available at <http://www.alliancedefensefund.org>.

## **20. If I want to take a stand in support of authentic marriage, what should I do?**

Contact your state legislators (particularly senators) and encourage them to sponsor the Defense of Marriage Act, and to vote against any attempt to legalize same-sex “marriage,” civil unions, or any other arrangement that would confer marriage-like rights and responsibilities upon same-sex partners. Also, contact APAC (518-364-5324), or any of the following organizations:

Coalition to Save Marriage in New York  
Capitol Station Post Office  
P.O. Box 7252  
Albany, New York 12224

New Yorkers for Constitutional Freedoms (NYCF)  
P.O. Box 107  
Spencerport, NY 14559-0107  
Phone: 585-225-2340  
<http://www.nycf.info>

The Conservative Party of New York State (Capital District Office)  
325 Parkview Drive  
Schenectady, NY 12303  
(518) 356-7882  
<http://www.cpnys.org/>

National Organization for Marriage  
20 Nassau Street, Suite 242  
Princeton, NJ 08542  
Phone: (609) 688-0450  
<http://nationformarriage.org/>

New York State Catholic Conference  
465 State Street  
Albany, NY 12203-1004  
Phone: (518) 434-6195  
Fax: (518) 434-9796  
<http://www.nyscatholic.org>