



Same-sex couples deserve equal justice under the law

By Mary Meeks | Orlando Sentinel Guest columnist

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The U.S. Supreme Court heard oral arguments in two historic civil-rights cases recently involving the issue of marriage equality. The court will issue rulings in June that will profoundly impact this nation's slow but steady march toward equality for all of its citizens.

I am hopeful that the court will honor the equal protection guarantee of the 14th Amendment to our Constitution by invalidating blatantly discriminatory laws that deny gay Americans the fundamental right to marry.

In **U.S. v. Windsor**, the court should strike down Section 3 of DOMA (The Defense of Marriage Act), which prohibits the U.S. government from conveying to same-sex couples who are lawfully married the 1,138 federal rights and benefits automatically granted to opposite-sex married couples.

Edie Windsor and Thea Spyer were together for 40 years, and their marriage was legally recognized in their home state of New York. However, Edie had to pay more than \$363,000 in estate taxes when Thea died in order to inherit her wife's estate. But she would not have owed one penny if she had been married to a man. The trial court held that there was no rational basis to justify this law, and that it was clearly motivated by prejudice against gay people.

In **Hollingsworth v. Perry**, the court should strike down California's Proposition 8, which revoked the right to marry from same-sex couples. The trial court concluded that there was no legitimate governmental interest served by Prop 8, and that it was expressly motivated by anti-gay animus.

The court noted legal precedents establishing that neither religious beliefs nor "moral disapproval" are sufficient justification to deny rights to a class of people. The court also found that all of the other alleged justifications offered by the Prop 8 proponents — a long list of myths and stereotypes about gay people — were disproved by a wealth of scientific and other expert evidence.

Last month in the Supreme Court, the opponents of marriage equality rolled out the same tired and discredited arguments. They argued that procreation is an essential function of marriage and, therefore the government has a legitimate interest in banning same-sex marriage, because same-sex couples cannot naturally procreate.

This ridiculous line of reasoning, taken to its logical conclusion, would mean that people of a certain age, or who are medically incapable of procreating, or simply don't wish to procreate, should likewise be denied the right to marry.

They argued that the government has a legitimate interest in banning same-sex marriage because children are better off with a mother and a father than with two mothers or fathers. However, there is no credible evidence to support this conjecture, but rather the overwhelming consensus of credible empirical research shows that children of same-sex parents thrive just as well as those of opposite-

sex parents, and in fact thrive best where both parents are female. (Does this mean we should ban opposite-sex marriage?)

Opponents' list of contrived justifications goes on and on, but real-world evidence has exposed and repudiated their baseless propaganda. Indeed, at oral argument, the attorney for the proponents of Prop 8 ultimately conceded that he could not identify any harm or injury to any person that would result from legalization of same-sex marriage, or that has resulted in the nine states and 11 countries that have already legalized same-sex marriage.

Whereas, Justice Anthony Kennedy, a conservative judge appointed by Ronald Reagan, emphatically noted that gay couples denied the right to marry suffer immediate harm, as do their children (at least 40,000 in California alone).

The simple fact remains that there is only one true reason why some people oppose marriage equality — they don't like gay people. Fortunately, our system of government was designed to protect minorities from oppression. Our Constitution explicitly guarantees "equal protection under the law" to all U.S. citizens. It's really that simple: Either you believe in the promise of America, or you don't.

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