

Freedom to Marry Is a Basic Civil Right

by Melanie Phoenix, Administrative Director

Our BPF national office is in the San Francisco Bay Area, which we recognize is an unusually progressive context, but we like to think that we are in the forefront of social change on this important civil rights issue, and we want to let you know what it looks like from here.

After 21 years of committed relationship, my partner Terry Robinson and I were legally married in San Francisco on February 16, 2004. We waited for a day and a half in the rain for this historic opportunity. My brother Warren, a Lutheran pastor, performed the ceremony. Terry and I had been his “best persons” when he and his wife Erin were married last July. Erin and dear friends from our sangha were our joyful witnesses.

During 29 days in February and March, the City and County of San Francisco issued marriage licenses to 4,036 same-sex couples, before the California Supreme Court forced them to stop. Many of those couples have lived in devoted partnership for decades. Many are registered domestic partners, raising families together, owning homes together. Many have had personal and spiritual commitment ceremonies before this, complete with vows, rings, and celebrations. Many have had to go to considerable effort and expense to create legal documents—e.g. medical or financial powers of attorney—that safeguard a few of the basic rights that automatically accompany civil marriage.

Considering all of that, some of us thought civil marriage couldn’t make that much difference to our lives, really. We had adjusted to the idea that legal marriage would never be an option for us. We’ve built good, strong lives together without the benefit of legal validation. How much difference could the law really make?

But when the opportunity suddenly presented itself—and it felt like the Berlin Wall coming down—of course we took the plunge. When we stood in the magnificent rotunda of San Francisco’s City Hall getting *married*, and our resignation to second-class citizenship dropped away, it felt like a political act of extraordinary significance, and we wept.

I will tell you this: whatever happens in the courts after this, civil marriage has changed us forever. There’s no going back. We will not be satisfied with second-class citizenship again.

I’ve told you a bit of my own story not because it’s more important than anyone else’s, but because it’s the one I know by heart. There’s a tide of change sweeping across the U.S. and the world. Same-sex marriage is about civil rights and equal protection under the law for all people. Those of us working for marriage equality simply ask that exactly the same rights, responsibilities, and protections be extended to same-gender couples who choose to marry as are available to heterosexual married couples. Nothing more, nothing less.

Here are a few facts to consider:

- In 1967, when interracial marriage was legalized, the U.S. Supreme Court ruled that “marriage is one of the basic civil rights of man [sic], fundamental to our very existence and survival.”
- Civil marriage offers 1,049 federal protections and benefits. Hundreds more are offered by every state. These include rights that cover medical emergencies, taxes, financial issues, inheritance, burial decisions, adoption, family law, employment benefits, immigration, Social Security, housing, and veterans’ benefits.
- In 2003, the Massachusetts Supreme Court ruled that the ban on same-sex marriage is unconstitutional, and the first state-sanctioned same-sex marriages began on May 17, 2004.
- Some cities and states offer domestic partnership benefits, Vermont offers civil unions, and Hawaii has “reciprocal beneficiaries.” However, these forms of partnership fall short of civil marriage, offering only a handful of state rights and responsibilities, which are not transferable to another state, and no federal rights.
- Same-gender couples already legally marry in the Netherlands, Belgium, and Canada. The U.S. does not recognize these marriages within the U.S.
- If ratified, the proposed U.S. constitutional amendment prohibiting same-sex marriage would be the only constitutional amendment in history, with the exception of Prohibition (which was repealed), to reduce civil rights. Every other constitutional amendment has expanded civil rights.
- State-sanctioned marriage would not require any religious organization to perform or recognize any marriage. No legislative enactment will change the tenets of any religious faith.

In the spirit of freedom, justice, civil rights, and equal protection under the law for all human beings, the Buddhist Peace Fellowship supports civil marriage for same-gender couples who choose to marry and to share fully and equally in the rights and responsibilities of marriage. We oppose a U.S. constitutional amendment to prohibit the basic civil right of marriage for same-gender couples.

For more information, we recommend the following websites:

<http://www.marriageequality.org/>

Marriage Equality USA

<http://www.eqca.org/>

Equality California

<http://www.qrd.org/qrd/religion/zen.buddhist.perspective.on.same.sex.marriage>

Robert Aitken Roshi's 1995 statement supporting same-sex marriage

<http://www.iwgonline.org/marriage>

Interfaith Working Group

<http://www.ftmc.org/rcfm>

(Religious Coalition for the Freedom to Marry)