



## MARRIAGE VS. CIVIL UNIONS

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### **What is a Civil Union?**

A civil union is a separate and unequal legal institution for same-sex couples created by four states (Connecticut, New Hampshire, New Jersey and Vermont) to avoid allowing same-sex couples to legally marry. What protections are included in a civil union is up to the discretion of the state. It may contain some or all of the *state-level* spousal rights, protections, responsibilities and benefits.

### **Why are civil unions insufficient?**

Marriage is a universally recognized institution. Everyone understands the terms *husband*, *wife* and *spouse*. The difference between marriage and civil unions, however, is not merely semantic. Civil unions end at the state line. A couple united in a Vermont civil union are legal strangers once they leave the state. Should they travel to Maine the couple is no longer legally related to one another as family. Furthermore, civil unions are not honored by the federal government or any other country. Married couples can sponsor their foreign-born spouses to stay in the country. They can inherit their partner's social security, Veteran's, or disability benefits. They may file joint Federal tax returns. Couples united in a civil union have no access to the more than 1000 Federal rights and no potential to receive them.

Finally, civil unions actually destabilize the institution of marriage by cobbling together separate, unequal institutions and creating a legal quagmire with myriad grey areas. Vermont and Virginia are actually battling over which state's court has jurisdiction in a custody battle stemming from a Vermont couple that dissolved their civil union, with one half of the couple moving to Virginia.

### **Why are we pushing for marriage instead of civil unions?**

Many gay people might be happy with a civil union if that were the legal license given by the state that every couple received. Because the state already grants marriage licenses to other families, same-sex couples want the same treatment under the law for their families. They respect the institution of marriage and want to enter into it, not have a separate institution created for them with exclusion as its underpinnings.

Also important to note is that civil marriage is a fundamental constitutional right. The Supreme Court has said that it is so fundamental a right that those who have broken the law and are in prison cannot be denied the ability to marry, even while they are denied the ability to vote. Legal marriage has evolved to grant women equal status to men, to allow for contraception, and to allow interracial couples to wed. Gay couples want legal marriage to extend its umbrella once again to include couples regardless of gender so they may share in the protections of a civil marriage and have stability for their families. Children should have the comfort of knowing their parents are married. No straight couple wants to trade in their marriage for a civil union, and no one gets down on bended knee and asks someone to “civil union” them.

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### **Civil Unions Deliberately Set Apart Families Headed by Same-Sex Couples**

Civil unions are a separate and unequal institution that send a message to children of same-sex couples that society does not value their families as much as those headed by heterosexual couples. By fabricating a new license for same-sex couples, a state that passes civil unions is sending a negative message.

*Civil marriage is the only way to grant true and equal protection under the law.*

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### **Isn't marriage a religious institution?**

Civil marriage is a license by the state. There is no religious requirement to get a marriage license, and no religious blessing by the state conveyed with this license. While a member of the clergy may act as an agent of the state and sign a civil marriage license following a religious ceremony, in fact, 40% of marriages in Maryland are performed by Clerks of the Court of Judges with no accompanying religious ceremony. In any case, clergy have and will always have the choice to marry whomever they want. Just as some clergy don't marry interfaith couples, so too may they reject marrying same-sex couples.

### **WHY SHOULD LEGISLATORS SIGN THE MARRIAGE EQUALITY PLEDGE?**

**Society is rapidly moving forward on this issue. Most Americans feel marriage equality is inevitable. Casting a vote for civil unions over civil marriage is not the right legacy to leave behind as a legislator.**

*Passing marriage legislation will finally bring equality to same sex couples in Maryland.*  
**SUPPORT MARRIAGE EQUALITY LEGISLATION FOR ALL**