

Factual Claims Concerning Constitutional Amendments that Limit Partnership Recognition

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1. Do constitutional amendments protect marriage against “depreciation”?
2. Are gays and lesbians capable of raising healthy, well-adjusted children?
3. What effects do ballot measures regarding same-sex partnerships have on the health and well-being of gays, lesbians, and their family members?
4. What are economic consequences of amendments that bar legal unions for same-sex couples?

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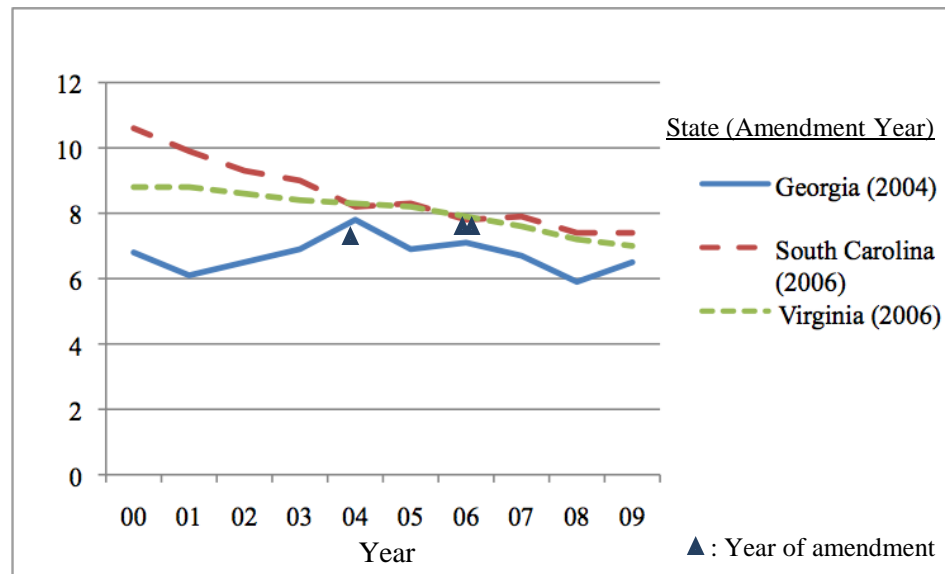
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- Similarly, Sen. Soucek suggested that an amendment would prevent NC’s divorce rate from worsening.

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Marriage Rates in Amendment States (per 1,000 population)

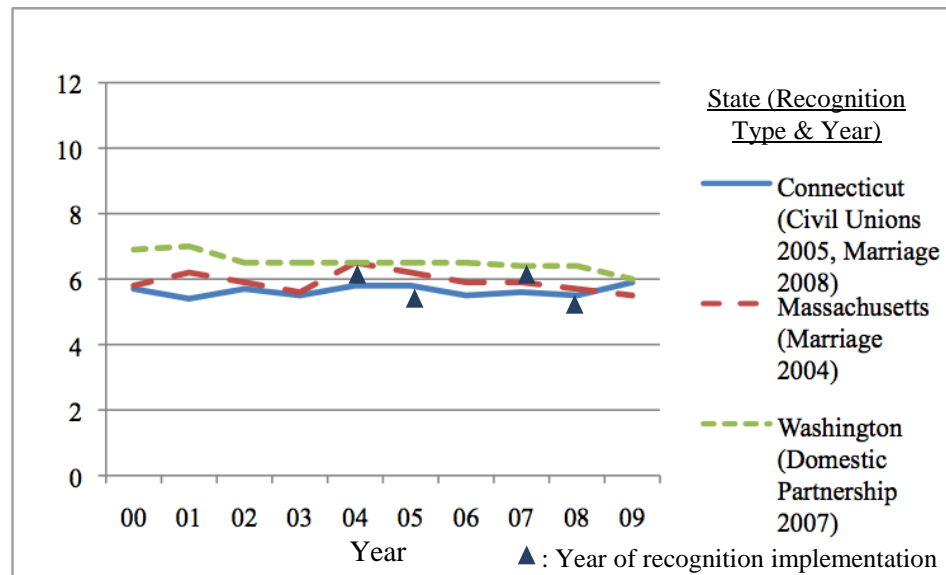
Source: National Vital Statistics System, CDC/NCHS



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Marriage Rates in Recognition States (per 1,000 population)

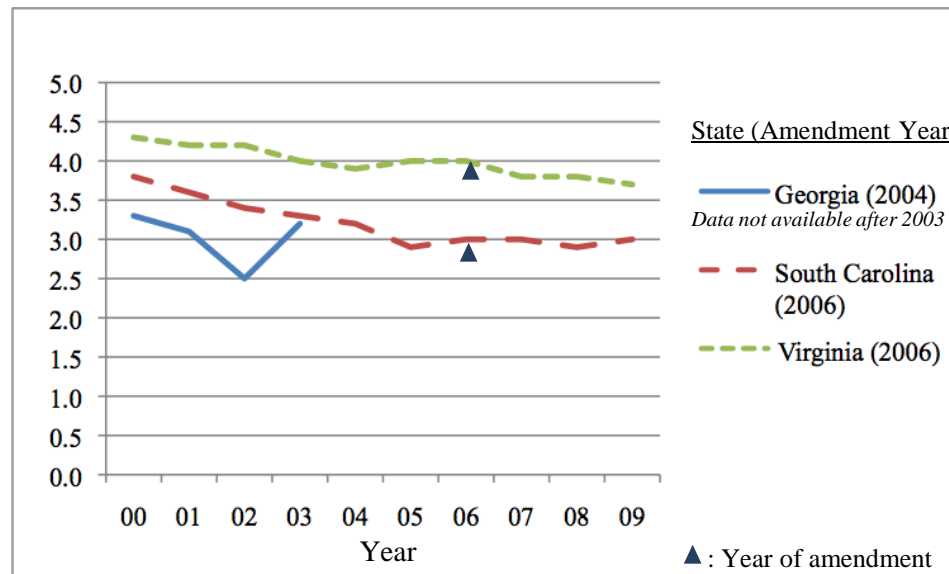
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Divorce Rates in Amendment States (per 1,000 population)

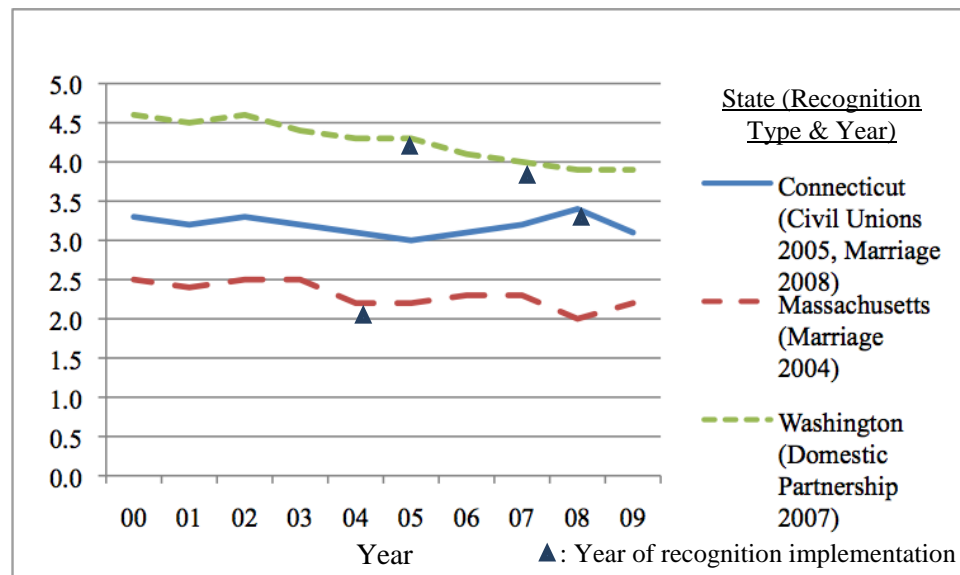
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*Highest and Lowest Divorce Rates in 2009 (per 1,000 population),
and Treatment of Same-sex Unions in 2009*

Source: National Vital Statistics System, CDC/NCHS

Lowest Divorce Rates		Highest Divorce Rates	
Massachusetts (same-sex marriage)	2.2	Nevada (marriage amendment, domestic partnerships)	6.7
Iowa (same-sex marriage)	2.4	Arkansas (marriage amendment)	5.7
Illinois (no marriage amendment)	2.5	West Virginia (statutory ban of same-sex marriage)	5.2 <i>tied</i>
District of Columbia (domestic partnerships)	2.6 <i>tied</i>	Wyoming	5.2 <i>tied</i>
New York (recognition of out-of-state same-sex marriages)	2.6 <i>tied</i>	Idaho (marriage amendment)	5.0

Do amendments protect against marriage “depreciation”?

- Data from Europe also suggests that there is no association between legal recognition of same-sex unions and fluctuations in rates of marriage, divorce, and non-marital births (Badgett, 2009; Eskridge & Spedale, 2006)

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- Methodology has improved over time.
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- “[S]ocial science has shown that the concerns often raised about children of lesbian and gay parents – concerns that are generally grounded in prejudice against and stereotypes about gay people – are unfounded.” (Amer. Psych. Ass’n, 2008)

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“Focus on the Family (2004), Gallagher (2004), and other marriage equality opponents cite studies comparing the children of intact heterosexual families with children being raised by a single parent as a consequence of divorce, separation, or the death of a spouse. Such studies generally show that, all else being equal, having two parents is more beneficial for a child than having a single parent (McLanahan & Sandefur, 1994). However, this research literature does not include studies comparing children raised by two-parent same-sex couples with children raised by two-parent heterosexual couples. Consequently, drawing conclusions about the children of gay, lesbian, and bisexual parents from those studies inappropriately attributes differences resulting from the number of parents in a household to the parents’ gender or sexual orientation (e.g., Stacey, 2004).” (Herek, 2006.)

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- Amendments entrench sexual orientation-based stigma in ways that harms gays and lesbians and their family members.

“Psychiatric disorders defined by the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, increased significantly . . . among LGB respondents living in states that banned gay marriage for the following outcomes: any mood disorder (36.6% increase), generalized anxiety disorder (248.2% increase), any alcohol use disorder (41.9% increase), and psychiatric comorbidity (36.3% increase). These psychiatric disorders did not increase significantly among LGB respondents living in states without constitutional amendments. . . . These findings lend scientific support to recent efforts to overturn these policies.”

(Hatzenbuehler et al., 2010; see also Horne et al., 2011 (on family members) and Maisel & Fingerhut, 2011 (on ballot campaigns versus results)).

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- According to the American Medical Association, it “recognizes that exclusion from civil marriage contributes to health care disparities affecting same-sex households . . . [and] will support measures providing same-sex households with the same rights and privileges to health care, health insurance, and survivor benefits, as afforded opposite-sex households.” (AMA, website accessed Sept. 8, 2011.)

**What are economic consequences of
same-sex legal unions and
the amendments that bar them?**

What are economic consequences of partnership recognition and related amendments?

- Competitiveness in the global labor market
 - Locations that do not embrace diversity, including sexual orientation-based diversity, risk alienating educated and creative professionals who are essential to market competitiveness. (Florida, 2002; Florida, 2005; Florida & Gates, 2006.)

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 - Locations that do not embrace diversity, including sexual orientation-based diversity, risk alienating educated and creative professionals who are essential to market competitiveness. (Florida, 2002; Florida, 2005; Florida & Gates, 2006.)
 - Numerous polls suggest that educated professionals tend to support legal recognition of same-sex couples (see, e.g., repeated polling by Pew).

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- Competitiveness in the global labor market
 - “Companies like Facebook, Google and Apple are the future of our global economy. But the proposed anti-gay constitutional amendment signals to these and other major employers, as well as their mobile, educated employees, that North Carolina does not welcome the diverse workforce that any state needs to compete in the international marketplace.”
 - Chris Hughes, Co-Founder of Facebook
 - The amendment “will make it harder to get educated, progressive people to come to NC ... As a business, it will make it harder for us .”
 - Jim Whitehurst, CEO of Red Hat
 - “I can say with certainty that if an amendment eliminating rights for domestic partners had been in place, The Body Shop would not have relocated its North American corporate headquarters here.”
 - Richard Degnan, VP, The Body Shop

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- Competitiveness in the global labor market (cont'd)
 - It is flawed to argue that marriage amendments are economically harmless because there are states/countries with such amendments doing (arguably) well economically. Cross-state comparisons are unhelpful because confounding variables come into play. For example, recent comparisons of North Carolina to Texas and China fail to consider Texas's oil and China's inexpensive labor costs.

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 - The American Legislative Exchange Council has opposed the ways in which its report has been cited. "Its 'Rich States, Poor States' report focuses only on fiscal policy, not social issues. ALEC doesn't have a position on marriage policies, says Kaitlyn Buss of ALEC." (News & Observer, Sept. 15, 2011.)

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