News

Marriage equality

U.S. Supreme Court expected to rule on same-sex marriage in June

by Susan Bromley

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Brandon Township residents David and Willie Ollie Ray enjoy the same freedoms as other U.S. citizens, with one very large exception.

They are unable to marry.

The denial of the right for gay couples to marry has caused controversy for years across the country and the issue is more intense than ever as the U.S. Supreme Court recently heard arguments in two cases regarding same sex marriage. Decisions are expected in June.

“They should legalize (same-sex marriage),” said Willie. “It’s my decision whether to marry someone of the same sex. It’s my decision and I want it for the sake of our children.”

David and Willie met and fell in love a dozen years ago. They were united in a civil union ceremony in Vermont on June 20, 2002 and share a home here where they are raising together three sons, Paris, 16, DeJhone, 14, and Billy, 7. But while they are both called “Dad” by their children, David is the only one legally recognized as the boys’ father since their adoptions in 2007 and 2008.

When the couple lost their first son, Christopher, to complications from cerebral palsy in 2010, their grief was compounded when only David was listed on the death certificate as father to the child whom they’d both loved since adopting him as a 2-year-old in 2005.

“All forms are like that,” said David. “Some kids only have one mom or one dad. Some kids have grandparents raising them. Our kids have two fathers.”

David, who is employed as an office manager at Oakland University with orientation and new student programs, has been able to obtain health benefits for Willie, a realtor, through his job at the university. But the couple realizes they are an exception and have good fortune in that David works for a university, which he says “tends to be more accepting of diversity.”

The U.S. Supreme Court heard arguments regarding two separate same-sex marriage cases in March. The first case challenges Proposition 8, passed by California voters in 2008 and which states that only marriage between a man and woman is valid or legally recognized. The second case challenges the Defense of Marriage Act, enacted as federal law in 1996, restricting federal marriage benefits and granting legal recognition only to opposite-sex marriages.

Dr. Robert Sedler, professor of law at Wayne State University, said the first issue that must be decided in the Proposition 8 case is whether the proponents have jurisdictional standing and can actually litigate. If the justices
determine the proponent has no jurisdictional standing, the effect would be to leave in place the decision of U.S. District Court Judge Vaughn Walker, who overturned Proposition 8 in 2010, ruling that it violated due process and equal protection clauses in the U.S. Constitution.

In the DOMA case, the issue is again whether the federal government's refusal to recognize same-sex marriages that are legal in nine states is unconstitutional. President Barack Obama has refused to defend DOMA, as he has declared support for same-sex marriage rights.

"Again, it is an issue of whether it is a proper case," said Sedler. "It could end up where the Supreme Court decides (the litigators) have no standing in either the California case or the federal case. Or, they could decide that the federal government can't refuse to recognize same-sex marriage. It's perfectly possibly, and some would say likely, that you're not going to get a definitive ruling from the Supreme Court."

Other possibilities, he continued, are that the justices could say there is no right to same-sex marriage, or that the Constitution does protect the right to same-sex marriage, in which case every state would have to recognize same-sex marriage as legal.

While Sedler said he never speculates on what the court will ultimately decide, he does have an opinion on what he would decide if the case were before him. He cites the 2003 case, Lawrence v. Texas, in which the U.S. Supreme Court ruled that a Texas law prohibiting same-sex persons from engaging in oral or anal sex was unconstitutional.

"My view is the ban on same-sex marriage violates equal protection," said Sedler. "The state has no valid reason to deny marriage and all the benefits it brings. Marriage is a relationship between two people based on love and commitment. The only difference is the way they make love and the way they make love is protected by the Constitution, so the state has no reason to deny same sex marriage."

While the issue seems clear-cut to Sedler, same-sex marriage is something that others oppose or are troubled by, particularly many who approach the issue from a religious point of view.

Jeremy Africa, pastor at Goodrich United Methodist Church, said the church struggles with the issue of same-sex marriage, saying there are many well-meaning, devoted Christians on both sides.

"This has very real implications across the board and so we struggle with it," he said. "As Christians, we seek God's guidance on the issue. One one hand, I do believe in the sanctity of marriage, one shared between a man and a woman. At the same time, I value everyone as a child of God. We all stand in the same place, on equal ground. I do believe we need to struggle with the issue of equal rights in this. That's where the tension is for me."

Africa points out that currently, United Methodist pastors are unable to perform wedding ceremonies for same-sex couples. United Methodists, he continues, turn to several sources to discern their choices, their faith, and their understanding of God. The first of those sources, he said, is scripture, and tradition, reason and experience are used to understand scripture "and the big picture."

"I don't think we're ever done growing in our understanding of scripture, God, and our humanity of how we relate to our understanding of each other," Africa said. "I don't think we're ever done. I continue to wrestle with this and I think the church does, too. I hear the earnest struggle and heartbreak on all sides. For me, first and foremost, as a pastor and follower of Jesus Christ, I want them to know God's love, that's what informs me along the way. I do believe that God loves everyone and because of that, in my eyes, everybody is of sacred and equal worth."

Willie and David say they are religious and attend church, but are frustrated because people seem to pick and choose what they like from the Bible and interpret it how they like.
“We’re not supposed to judge—so sweep off your own front step before you start looking at mine,” said David. “This is about human rights.”

Dr. Hui Liu, assistant professor of sociology at Michigan State University, recently published findings from studies on the health of married couples, as well as that of same-sex co-habitors in the Journal of Health and Social Behavior.

“Marriage promotes people’s well-being,” said Liu. “Our studies also examine whether same-sex marriage will improve health. It is very possible to think that if same-sex marriage is legalized, it may promote their health, too.”

Liu believes people are more likely to be opposed to something they do not understand, but as they come to a better understanding and have more information, stigmas are reduced. As an example, she notes that the American Association of Sociology published a report saying the well-being of children is not negatively affected by having same-sex parents, helping society to become more accepting of children being adopted or raised by gay couples.

Liu said people have become more accepting of same-sex marriage over the course of the past 10 to 20 years.

“Family scholars will argue legalization can promote long-term commitment and stability,” said Liu. “Without legalization, same-sex couples do not have legal protections. There are some unique benefits to legalized marriage. The social stigma against same-sex marriage increases psychological distress, and will also affect relationship quality... Some people may not be happy with legalization, but as time goes on, society becomes more open and people will change their opinions.”

She cites interracial marriage as an example of something that was once stigmatized in our society and is widely accepted now.

“I hope people can become more open to same-sex marriage,” said Liu. “It can promote the well-being of people, both mental and physical.”

David said he has one question he would like answered by those who are against marriage equality for same-sex couples.

“What if you couldn’t marry the person you loved? I would like the happiest married couple opposed to same sex marriage to think about the day they got married and how happy they were.”

“We can’t have that day,” said Willie. “It makes us feel like second-class citizens.”