

January 17, 2005
House Judiciary Committee
Testimony on HB 259
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Author – CI 96, The Montana Marriage Protection Amendment

Good morning madam chairman and members of the committee.
I'm Jeff Laszloffy, President of the Montana Family Foundation and
Author of CI-96 - The Montana Marriage Protection Amendment.

If you'll take your copies of the bill please and turn to page 2, the essence of the bill lies on line 5. This paragraph paraphrased says "parties to a civil union have all the same benefits, protections, and responsibilities under the law that are granted to spouses in a marriage." So what are we doing here? In my opinion we're playing a semantic game with the people of this state, and I think they're smart enough to see through it. They just voted in November by almost 70% to define marriage as a union between a man and a woman. This vote was a clear mandate by the voters. It crossed party lines and passed in every county in the state. In 10 counties it passed by over 80%.

Rarely do you as lawmakers have a clear read on the electorate prior to voting on a bill. That's not the case with this issue. The last poll before the November election put support for the marriage amendment at 62% it wound up passing by 67%. A recent Lee poll put opposition to civil unions at the same 62%, and I would venture to guess that if this bill does pass, it will be overturned by the people through ballot initiative in a heartbeat. You can't separate the same core issue, which is marriage, by simply giving it a different name. The voters are more intelligent than that.

Bottom line - This bill would establish marriage for same-sex couples. I will refer to same-sex couples with respect to the bill because I don't believe we should be caught up in the game that's being played here. I know the bill doesn't limit civil unions to same-sex couples, but I believe it only includes opposite-sex couples to make it more politically palatable. Why would opposite sex couples enter into civil unions just to get marriage benefits? They could just go get married.

I like Representative Kauffman and Karl Olson. I consider them friends and I'll say that publicly. We simply disagree on this issue because we come at it from radically different world views. I would submit however, that my view of marriage, as evidenced by the vote on the marriage amendment, is held by the vast majority of Montanans. The people have spoken clearly on this issue, and as Justice Rice said recently in the Snetsinger decision, "The rights of the people to define their society and govern themselves are more fundamental than the right to individual dignity."

An impressive wealth of published social science research suggests that marriage is of greater social value than other domestic relationships.

Tens of thousands of studies over the past 50 years consistently show that married couples, and their children, enjoy substantially higher levels of personal well-being, including increased physical and mental health, greater success and productivity in the workplace, higher levels of earnings and savings, greater sexual satisfaction, avoidance of serious disease as well as addictive and destructive behaviors, greater educational attainment and college attendance. Married adults, and their children, are also less likely to have trouble with the law, and suffer less from domestic violence, including physical and sexual abuse.

Of course, these facts have direct and substantial public policy implications. Marriage decreases the caseloads of our over-burdened health-care, criminal justice, education, welfare, substance abuse, domestic violence and sexual abuse systems.

The research does not indicate that adults and children in non-married relationships do as well in these important measures.

Therefore, non-married relationships do not provide the kinds of rich societal benefits that marriage does. Thus, we cannot view them as equal institutions, and public policy that does this is misguided.

It's important to note that law exists to ensure justice, but it also exists to ensure societal well-being. To this end, law must encourage certain behaviors because certain behaviors contribute to higher levels of societal well-being. Marriage, as we have just seen, does this.

The law has also historically favored one set of behaviors over others. Consider the behaviors that are favored and encouraged by public policy:

- Homeownership
- Retirement investment
- Charitable giving
- College attendance via Pell Grants
- Job training

It is not that people who participate in these are "better" than others. It is simply that the government has a compelling interest in encouraging such behavior and therefore it offers incentives to encourage their practice.

Conversely, there are behaviors that are discouraged by public policy via heavy taxation:

- Alcohol use
- Tobacco use
- Gasoline consumption.

People who use these products are not "bad". It is simply that society benefits when such behaviors are kept to a minimum.

Such "inequities" in the law are not the result of "discrimination" but exist in the interest of individual and societal well-being.

CONCLUSION

Marriage benefits society like no other relationship. This is why all societies have historically promoted marriage over other domestic relationships.

Therefore, it is wise public policy to extend benefits to married couples that are withheld from other couples. This is not an issue of justice, but one of public welfare and well-being, and no society has sustained itself with a relativistic view of the family. Civil unions adopt just such a view.

In closing I ask that the legislature not play semantic games with the people of Montana. They have said they don't want to re-define marriage and civil unions are a gimmick to do just that. Please allow the will of the people as articulated in the Montana Marriage Protection Amendment to remain intact. Please vote no on HB 259