

Testimony to the Montana House Judiciary Committee  
Opposing House Bill 259 – Authorize Civil Unions for Unmarried Couples

January 17, 2004

By Richard W. Bennett, Bozeman, Montana

EXHIBIT 14  
DATE 1/17/05  
HB 259

Chairwoman Rice and members of the House Judiciary Committee,

Thank you for the opportunity to testify in opposition to House Bill 259.

On November 2<sup>nd</sup>, Montana's voters declared a mandate. This mandate was not for any political party to be placed in power. Two-thirds of Montanan voters declared that marriage between one man and one woman is the only marriage that will be legally valid in Montana. Here are the percentages from some of the counties voting Yes on amending our constitution:<sup>1</sup>

Gallatin	57%
Missoula	51%
Lewis & Clark	60%
Cascade	67%
Flathead	71%
Yellowstone	68%

House Bill 259, if passed, would circumvent the will of an overwhelming majority of Montanans by defining civil unions as the same as marriage. In fact, this bill doesn't even define who can be a spouse in a civil union.

Contrary to what you may hear from homosexual activists, defining marriage as one man/one woman does not deny homosexuals the basic civil rights given other citizens. Nowhere in the Bill of Rights or in any legislation proceeding from it are homosexuals excluded from the rights enjoyed by all citizens, including the right to marry. However, no citizen has the unrestricted right to marry whoever they want. Current Montana law already contains marriage restrictions. I have a loving and committed relationship with my two sons, but I cannot marry them; just as I cannot marry my mother-in-law, my brother, another man's wife, or all of the above.

Many black Americans, including Jesse Jackson, are offended when homosexual activists, who have never been relegated to the back of a bus, equate their agenda with

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racial discrimination. In supporting traditional marriage, several black pastors wrote: "We find the gay community's attempt to tie their pursuit of special rights based on their behavior to the civil rights movement of the 1960s and 1970s abhorrent."<sup>2</sup>

Like other citizens, homosexuals can handle situations such as asset protection when a partner leaves, making medical decisions for an ill partner, hospital visitations, and life insurance benefits with civil contracts and powers of attorney. They do not need marriage redefined.

Legalizing same-sex "marriage" or civil unions will quickly destroy the traditional family. Once marriage is no longer confined to a man and a woman, it's impossible to exclude virtually any relationship between two or more partners of either sex. Even non-human partners would qualify, such as the Missouri man who claimed that the essential marriage elements- love and commitment – were present for him to marry his 22-year-old mare Pixel.<sup>3</sup>

In Utah polygamist Tom Green, who claims five wives, is citing *Lawrence v. Texas* as the legal authority for his appeal.<sup>4</sup> In January 2004, a Salt Lake City civil rights attorney filed a federal lawsuit on behalf of another couple wanting to engage in legal polygamy, using *Lawrence v. Texas* as legal authority.<sup>5</sup> You may recall that in *Lawrence v. Texas*, the U.S. Supreme Court discovered a Constitutional right to practice homosexual sodomy.

Family will become nothing more than some judge's interpretation of someone's "rights." Four men or four women can marry, or five men and two women. Who will be able to deny them that right?<sup>6</sup>

Legalizing same-sex "marriage" or civil unions will destroy the traditional family because this is the ultimate goal of homosexual activists. With marriage as we know it gone, everyone would enjoy all the legal benefits of marriage (custody rights, tax-free inheritance, joint ownership of property, health care and spousal citizenship, etc.) without

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limiting the number of partners or their gender.<sup>7</sup> If you doubt this goal, let me read a quotation from Judith Levine, in a 2003 article for the *Village Voice* titled “Stop the Wedding: Why Gay Marriage Isn’t Radical Enough,” who wrote: “Because American marriage is inextricable from Christianity, it admits participants as Noah let animals on the ark. But it doesn’t have to be that way. In 1972 the National Coalition of Gay Organizations demanded the ‘repeal of all legislative provisions that restrict the sex or number of persons entering into a marriage unit; and the extension of legal benefits to all persons who cohabit regardless of sex or numbers.’ Group marriage could comprise any combination of genders.”<sup>8</sup>

Columnist Michael Kinsley wrote an op-ed piece in the July 2003 *Washington Post* titled “Abolish Marriage: Let’s Really Get the Government Out of Our Bedroom.”<sup>9</sup>

The solution is to end the institution of marriage, or rather, the solution is to end the institution of government monopoly on marriage. And yes, if three people want to get married, or one person wants to marry herself and someone else wants to conduct a ceremony and declare them married, let ‘em. If you and your government aren’t implicated, what do you care? If marriage were an entirely private affair, all the disputes over gay marriages would become irrelevant.

If I were fighting to legitimize same-sex marriage and preaching that this arrangement will harm no one, I would be falling all over myself trying to deny these writings from Kinsley and Levine. No one has.

Same-sex relationships are not equivalent to traditional marriage. A high percentage of married couples remain married for up to 20 or more years, and many remain wedded for life. However, the vast majority of homosexual relationships are short-lived and transitory. A Netherlands study, where homosexual “marriage” is legal, found the homosexual relationship’s average duration to be one and a half years.<sup>10</sup> Studies indicate that while more than three-quarters of married couples remain faithful to each other, homosexual couples typically engage in much promiscuity. The same Dutch study found

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that "committed" homosexual couples average eight sexual partners outside of the relationship per year.<sup>11</sup> Because homosexuals are rarely monogamous, often having as many as three hundred<sup>12</sup> or more partners in a lifetime – some studies say it is typically more than one thousand<sup>13</sup> – children in those polyamorous situations are caught in a perpetual coming and going.<sup>14</sup> Imagine the impact on adopted children (yes, same-sex civil unions will have adoption rights), who would have several "moms" and "dads" and maybe ten or twelve "grandparents" and several dozen half-siblings. And, has anyone thought about what happens when the homosexual civil union with children dissolves? The children will have to contend with four "dads" or four "moms."

Yes, children will suffer the most from legalized same-sex civil unions or "marriage." Over ten thousand studies concluded that kids do best when they are raised by loving and committed mothers and fathers.<sup>15</sup> Among other findings, children with married parents do better in all measures of intellectual and academic development. They are much less likely to use drugs and be involved in premarital sexual activity and childbearing. They are healthier emotionally and physically, even thirty years later, than children not blessed with both a father and mother.<sup>16</sup> Same-sex "marriages" intentionally deprive children of a mother and father.

Legalizing same-sex "marriage" or civil unions in Montana would have a devastating impact on our public schools. Right now, the Legislature is considering definitions of quality education and school funding formulas. I noticed that no fiscal note was attached to House Bill 259. However, what will be the school funding impact when school textbooks must be rewritten to include material on homosexual relationships because they are another relationship protected by law? Textbooks will be required to depict man/man and woman/woman relationships and children's stories at the elementary and kindergarten level will need to give equal space and emphasis to homosexuality. This is already happening in the state of California.<sup>17</sup>

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In Massachusetts, where the state Supreme Court legalized same-sex marriage, the Boston schools superintendent instructed all staff in a May 13, 2004 memo that because "two persons of the same gender may apply for a marriage license," he was announcing a "zero tolerance policy" toward "inappropriate or hateful speech" on the subject. He emphasized "respect for the law and for the differences and choices represented among our school population." The penalty would be termination or, in the case of students, expulsion. He cited the "rule of law, balance of powers, and separation of church and state" as rationale to "help students understand" how this is a step toward a "more just society for all of our citizens."<sup>18</sup>

And, National Public Radio aired a program on Sept. 13, 2004 covering sex education in Massachusetts schools since the legalization of same-sex marriage there. They interviewed an eighth-grade sex-ed teacher, who said that teaching about homosexuality is more important now. She said the debate around gay marriage is prompting kids to ask a lot more questions, like what is gay sex, which she answers thoroughly and explicitly with a chart.<sup>19</sup>

If time allowed, I could cite many more legitimate concerns regarding the impact of same-sex marriage or civil unions. I urge you to vote AGAINST House Bill 259 and abide by the will of the people of Montana.

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- <sup>1</sup> "Initiative - CI96 Define Marriage," <<http://www.mtfamilyaction.com/index.asp?file=results>>
- <sup>2</sup> Cheryl Wetzstein, "Blacks Angered by Gays' Metaphors," *Washington Times* (March 3, 2004): 3.
- <sup>3</sup> Melinda Roth, "All Opposed, say 'Neigh'" *Riverfront Times- Missouri* (December 15, 1999).
- <sup>4</sup> Pamela Manson, "Appeals Seek Polygamy Right: Green, Holm Challenge Convictions Based on Sodomy Ruling; Polygamists Challenge Convictions," *Salt Lake City Tribune*, 15 December 2003, C1.
- <sup>5</sup> Alexandria Sage, "Utah Polygamy Ban Is Challenged: U.S. Supreme Court's Sodomy Ruling Is Cited," *Associated Press*, 26 January 2004.
- <sup>6</sup> Dr. James Dobson, *Marriage Under Fire* (Sisters, OR: Multnomah Publishers, 2004), 49
- <sup>7</sup> Dr. James Dobson, *Marriage Under Fire* (Sisters, OR: Multnomah Publishers, 2004), 50
- <sup>8</sup> Judith Levine, "Stop the Wedding: Why Gay Marriage Isn't Radical Enough," *Village Voice*, 20 July 2003, 40.
- <sup>9</sup> Michael Kinsley, "Abolish Marriage: Let's Really Get the Government Out of Our Bedrooms," *Washington Post*, 3 July 2003, A23
- <sup>10</sup> Maria Xiridou, et al, "The Contribution of Steady and Casual Partnerships to the Incidence of HIV Infection among Homosexual Men in Amsterdam," *AIDS* 17 (2003): 1031.
- <sup>11</sup> *Ibid.*
- <sup>12</sup> M. Pollack, "Male Homosexuality," in *Western Sexuality: Practice and Precept in Past and Present Times*, ed. P. Aries and A. Bejin, 40-61, cited by Joseph Nicolosi in *Reparative Therapy of Male Homosexuality* (Northvale, NJ: Jason Aronson, Inc., 1991), 124-25, and cited by Dr. James Dobson, *Marriage Under Fire* (Sisters, OR: Multnomah Publishers, 2004), 54.
- <sup>13</sup> A.P. Bell and M.S. Weinberg, *Homosexualities: A Study of Diversity Among Men and Women* (New Your: Simon and Schuster, 1978), 308-9; see also Bell, Weinberg & Hammersmith, *Sexual Preference* (Bloomington, IN: Indiana University Press, 1981); cited by Dr. James Dobson, *Marriage Under Fire* (Sisters, OR: Multnomah Publishers, 2004), 54.
- <sup>14</sup> Dr. James Dobson, *Marriage Under Fire* (Sisters, OR: Multnomah Publishers, 2004), 54.
- <sup>15</sup> Most of these studies are either presented or represented in the following: David Popenoe, *Life Without Father: Compelling Evidence that Fatherhood and Marriage Are Indispensable for the Good of Children*, (New York, The Free Press, 1997); Glenn T. Stanton *Why Marriage Matters: Reasons to Believe in Marriage in Postmodern Society*, (Colorado Springs, Pinon Press, 1997); Sara McLanahan and Gary Sandefur, *Growing Up with a Single Parent: What Hurts, What Helps*, (Cambridge: Harvard University Press, 1994); Deborah Dawson, "Family Structure and Children's Health and Well-Being: Data from the 1988 National Health Interview Survey on Child Health," *Journal of Marriage and the Family* 53 (1991): 573-584; Michael Gottfredson and Travis Hirschi, *A General Theory of Crime*, (Stanford: Stanford University Press, 1990), p. 103; Richard Koestner, et al., "The Family Origins of Empathic Concern: A Twenty-Six Year Longitudinal Study," *Journal of Personality and Social Psychology* 58 (1990): 709-717; E. Mavis Hetherington, "Effects of Father Absence on Personality Development in Adolescent Daughters," *Developmental Psychology* 7 (1972): 313 -326; Irwin Garfinkel and Sara McLanahan, *Single Mothers and Their Children: A New American Dilemma* (Washington D.C.: The Urban Institute Press, 1986), pp. 30-31; David Ellwood, *Poor Support: Poverty in the American Family* (New York: Basic Books, 1988), p. 46; Ronald J. Angel and Jacqueline Wroboey, "Single Motherhood and Children's Health," *Journal of Health and Social Behavior* 29 (1988): 38-52; L. Remez, "Children Who Don't Live with Both Parents Face Behavioral Problems," *Family Planning Perspectives*, January/February 1992; Judith Wallerstein and Sandra Blakeslee, *Second Chances: Men and Women a Decade After Divorce*, (New York: Ticknor & Fields, 1990); Judith Wallerstein, et al., *The Unexpected Legacy of Divorce: A 25 Year Landmark Study*, (New York: Hyperion, 2000); Nicholas Zill, Donna Morrison, and Mary Jo Coiro, "Long-Term Effects of Parental Divorce on Parent-Child Relationships, Adjustment, and Achievement in Young Adulthood," *Journal of Family Psychology*, 7 (1993): 91-103.
- <sup>16</sup> Glenn T. Stanton, *Why Marriage Matters: Reasons to Believe in Marriage in Postmodern Society*, (Colorado Springs, Pinon Press, 1997); Linda Waite and Maggie Gallagher, *The Case for Marriage: Why Married People Are Happier, Healthier and Better Off Financially*, (New York: Doubleday, 2000); Robert Coombs, "Marital Status and Personal Well-Being: A Literature Review," *Family Relations* 40 (1991) 97-

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<sup>17</sup> Dr. James Dobson, *Marriage Under Fire* (Sisters, OR: Multnomah Publishers, 2004), 56.

<sup>18</sup> Linda Harvey, "Children Affected By Massachusetts Same-Sex Marriage Law," *WorldNewDaily.com* (October 26, 2004)

<sup>19</sup> *Ibid.*

**Initiative - C196 Define Marriage  
November 2, 2004 Election Results by County**

<b>County</b>	<b>Precincts</b>	<b>Yes</b>	<b>No</b>
Total	877/881	282,970 66.46%	142,818 33.54%
Beaverhead	16/16	3,050 73.39%	1,106 26.61%
Big Horn	20/20	3,123 75.29%	1,025 24.71%
Blaine	11/11	2,036 75.77%	651 24.23%
Broadwater	5/5	1,812 78.41%	499 21.59%
Carbon	16/16	3,557 67.43%	1,718 32.57%
Carter	4/4	573 83.28%	115 16.72%
Cascade	38/38	17,719 67.46%	8,546 32.54%
Chouteau	12/12	2,170 75.50%	704 24.50%
Custer	14/14	3,676 72.73%	1,378 27.27%
Daniels	7/7	862 79.89%	217 20.11%
Dawson	10/10	3,356 75.82%	1,070 24.18%
Deer Lodge	18/18	2,884 63.93%	1,627 36.07%
Fallon	6/6	1,198 83.54%	236 16.46%
Fergus	16/16	4,598 76.26%	1,431 23.74%
Flathead	36/40	21,994 71.54%	8,748 28.46%
Gallatin	46/46	22,285 56.83%	16,929 43.17%
Garfield	7/7	536 84.94%	95 15.06%
Glacier	16/16	3,073 68.78%	1,395 31.22%
Golden Valley	2/2	400 79.37%	104 20.63%
Granite	4/4	1,166 73.94%	411 26.06%
Hill	22/22	4,658 70.46%	1,953 29.54%
Jefferson	14/14	3,958 68.16%	1,849 31.84%
Judith Basin	4/4	971	295

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		76.70%	23.30%
Lake	22/22	8,480 68.59%	3,883 31.41%
Lewis & Clark	54/54	17,987 60.03%	11,975 39.97%
Liberty	4/4	790 77.53%	229 22.47%
Lincoln	14/14	6,268 75.83%	1,998 24.17%
McCone	9/9	937 84.11%	177 15.89%
Madison	6/6	2,789 71.59%	1,107 28.41%
Meagher	5/5	709 75.19%	234 24.81%
Mineral	6/6	1,375 76.14%	431 23.86%
Missoula	101/101	25,194 51.27%	23,949 48.73%
Musselshell	6/6	1,721 77.24%	507 22.76%
Park	15/15	5,083 62.83%	3,007 37.17%
Petroleum	1/1	242 84.62%	44 15.38%
Phillips	13/13	1,728 81.09%	403 18.91%
Pondera	8/8	2,115 74.92%	708 25.08%
Powder River	9/9	775 79.65%	198 20.35%
Powell	12/12	2,036 73.61%	730 26.39%
Prairie	4/4	590 82.52%	125 17.48%
Ravalli	22/22	13,787 70.88%	5,665 29.12%
Richland	15/15	3,275 79.94%	822 20.06%
Roosevelt	13/13	2,868 75.75%	918 24.25%
Rosebud	12/12	2,528 72.46%	961 27.54%
Sanders	10/10	3,696 73.60%	1,326 26.40%
Sheridan	8/8	1,481 74.76%	500 25.24%
Silver Bow	47/47	9,371 60.83%	6,034 39.17%

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Stillwater	8/8	2,912 76.05%	917 23.95%
Sweet Grass	5/5	1,475 76.62%	450 23.38%
Teton	5/5	2,417 73.67%	864 26.33%
Toole	12/12	1,756 77.19%	519 22.81%
Treasure	3/3	360 75.95%	114 24.05%
Valley	9/9	3,048 77.18%	901 22.82%
Wheatland	5/5	773 80.02%	193 19.98%
Wibaux	1/1	441 82.74%	92 17.26%
Yellowstone	69/69	44,308 68.12%	20,735 31.88%