

**ARIZONA PUBLIC HEALTH ASSOCIATION
RESOLUTION DOCUMENTATION FORM**

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Title of Resolution: Fairness in Domestic Partnerships for All Arizonans

1. Statement of the Problem

a. Summary

The Protect Marriage Arizona initiative is an attempt by a special interest group, the Center for Arizona Policy, to discriminate against *any* Arizonan who is or may be in a domestic partnership other than marriage, defined as the “union of one man and one woman.” Any form of domestic partnership currently recognized in any Arizona jurisdiction, other than marriage as defined by the proposed amendment, would be declared null and void. This action would deny the domestic partner benefits currently enjoyed by employees of the cities of Tucson, Phoenix, Scottsdale and Tempe and of Pima County. The Domestic Partner Registry of the City of Tucson would be declared null and void. The proposed amendment also could jeopardize domestic partner benefits currently offered to employees by private corporations in Arizona.

The proposed amendment to the Arizona Constitution “***preserves marriage as only consisting of the union of one man and one woman, and prohibits the state and its political subdivisions from creating or recognizing any legal status for unmarried persons that is similar to that of marriage.***” (exact wording in bold)

b. Background

For several years, various special interest groups, generally allied with fundamentalist religious organizations and so-called conservative politicians, have been promoting either federal or state constitutional amendments to prohibit the marriage of any two people other than “one man and one woman.” The effort to pass a constitutional amendment at the federal level is ongoing but not making rapid progress, while efforts at the state level have been much more effective. This appears to be integral to the strategy of the proponents. In the 2004 elections, 11 states passed such an amendment. Initiative movements are now underway in 14 other states.

Some of these amendments, such as the one now proposed in Arizona, are much more far-reaching than simply restricting marriage to one man and one woman. They would exclude not only gay and lesbian couples but any couple living together, for whatever reason, from the rights of a legal partner. For example, an elderly couple living together but unmarried for financial reasons, would be affected by the Arizona initiative.

The proposed amendment would not only outlaw domestic partnerships or civil unions of any kind, including domestic partner benefits, but also may have unintended consequences. For example, a similar amendment, passed in Ohio in 2004, resulted in an unexpected ruling related to domestic violence laws. In March 2005, charges of domestic violence against a man for assaulting his female partner were reduced by a judge because the new law no longer recognized unmarried couples.

2. Statement of desired action

- a. AzPHA will join the statewide coalition, Arizona Together, which is comprised of Arizona individuals and groups representing the lesbian, gay, bisexual and transgender (LGBT), straight, human rights and faith-based communities joined together to defeat the proposed amendment that would write discrimination into the Arizona constitution.
- b. AzPHA will urge all Arizonans to oppose efforts to place this initiative on the 2006 ballot by refusing to sign petitions, informing family members and friends of the dangers of this initiative, by writing letters to the editor of their newspapers, and by otherwise speaking out publicly against this initiative.

3. Which other groups or organizations support this effort?

A broad coalition, Arizona Together, is now forming to defeat this initiative. This statewide coalition currently includes:

- Arizona Human Rights Fund
- Derechos Humanos
- Wingspan
- Southern Arizona Stonewall Democrats
- Planned Parenthood of Southern Arizona
- Las Adelitas
- Tucson/Pima County Women's Commission
- ACLU of Arizona
- Reveille Gay Men's Chorus
- Amazon.Moms
- Arizona Leadership Institute
- City of Phoenix Gay and Lesbian Employees Association (COPGLEA)
- Echo Magazine
- Gay Mormon Fathers
- Gentle Shepherd
- Human Rights Campaign
- IONAZ
- N Touch
- National Organization for Women
- No Longer Silent
- OutFar! Lesbian and Gay Film Festival
- People for the American Way
- Planned Parenthood of Central and Northern Arizona

- PFLAG (Parents, Friends and Family of Lesbians and Gays)
- Scottsdale International Film Festival

4. Describe relationship of this issue to the current AZPHA Legislative Priorities

This issue affects access to health care, including health insurance and other health-related benefits, as well as child health and co-parent adoption rights.

5. Is this an issue for legislation?
Not at this time.

6. Brief financial and public health analysis

- See #4 above. Arizonans employed by any state or local governmental entity, including school districts, whose health insurance is a domestic partner benefit, will lose that benefit should the amendment pass. Such a situation is likely to result in higher public costs for health care and poorer health status for those affected. Private employees whose health insurance is a domestic partner benefit also may be at risk.
- Children will suffer. Not every family has a married mother and father to provide. Domestic partnerships ensure that children have health care and benefits.
- Senior citizens will suffer. Seniors' Social Security and pensions may be cut or taken away if they remarry. Many seniors live in "domestic partnerships" as a way to maintain their benefits.
- Local control will suffer. This initiative will rob towns, cities and counties of their ability to govern themselves. Currently, many local governments have already given these basic rights to their citizens and employees. Tucson has a Domestic Partner Registry that allows for hospital visitation rights - to be able to visit a loved one when he/she is sick or dying. This initiative would abolish that right.
- AZPHA traditionally supports legislation and policies that strengthen families. This amendment initiative would weaken families by excluding citizens from the benefits of marriage rather than encouraging marriage or domestic partnerships or civil unions as stabilizing institutions open to all citizens. The American Psychological Association,¹ the American Psychiatric Association² and the American Academy of Pediatrics³ all have publicly stated their support of families composed of same-sex parents.
- AZPHA traditionally supports legislation and policies that promote social justice. This amendment initiative constitutes social injustice by making discrimination and prejudice a part of our state constitution.
- General public opinion supports equity and fairness. A statewide survey in 2004 found Arizonans oppose same-sex marriage by a 3-2 ratio. However, the same poll showed 57 percent supports equal treatment and some legal recognition of same-sex couples.

**ARIZONA PUBLIC HEALTH ASSOCIATION
TITLE OF RESOLUTION**

Fairness in Domestic Partnerships for All Arizonans

- Whereas: The detrimental health and mental health effects of discrimination and prejudice based on sexual orientation are well documented^{1,2,3}; and,
- Whereas: The Protect Marriage Arizona Initiative would incorporate such discrimination and prejudice into the Arizona State Constitution; and,
- Whereas: The Protect Marriage Arizona Initiative would weaken families by excluding some Arizonans from any legal recognition of their relationship^{4,5,6}; and,
- Whereas: The Protect Marriage Arizona Initiative would prohibit any form of domestic partnership or civil union; and,
- Whereas: The Protect Marriage Arizona Initiative would exclude unmarried couples of any sexual orientation from access to domestic partner health care benefits; and,
- Whereas: Children will suffer by losing any health care benefit based on a domestic partnership between the parents; and
- Whereas: Senior citizen partners who are unmarried; e.g., for financial reasons, will lose any domestic partner benefits, including health insurance; and,
- Whereas: The Protect Marriage Arizona Initiative violates the policy of AzPHA and APHA that supports access to health care for all;

Therefore be it resolved that:

The Arizona Public Health Association joins the Arizona Together coalition in its efforts to defeat the proposed amendment initiative; and,

The Arizona Public Health Association urges all Arizonans to oppose efforts to place this initiative on the 2006 ballot by:

1. Refusing to sign petitions supporting the initiative,
2. Informing colleagues, family members and friends of the dangers of this initiative,
3. Writing letters to the editor of their newspapers, and
4. Otherwise speaking out publicly against this initiative.

Citations

¹ [Lock, J, Kleis, BN, A Primer on Homophobia for the Child and Adolescent Psychiatrist. Journal of the American Academy of Child & Adolescent Psychiatry. 37\(6\):671-673, June 1998.](#)

² [O'Hanlan, KA, et. al, Homophobia As a Health Hazard: Report of the Gay and Lesbian Medical Association](#)

³ [O'Hanlan, KA, et al., Review of the Medical Consequences of Homophobia with Suggestions for Resolution, Journal of the Gay and Lesbian Medical Association. 1\(1\) March 1997](#)

⁴ American Psychological Association. Lesbian and Gay Parenting – A Resource for Psychologists, 1995.

“Not a single study has found children of gay or lesbian parents to be disadvantaged in any significant respect relative to heterosexual parents. . . . Home environments provided by gay and lesbian parents are as likely as those provided by heterosexual parents to support and enable children’s psychological growth.”

⁵ American Psychiatric Association. APA Fact Sheet on Gay, Lesbian and Bisexual Issues, p.4.

“Many gay men and women are parents. For example, estimates of the number of lesbian mothers range from 1-5 million, and the number of children from 6-14 million. Numerous studies have shown that the children of gay parents are as likely to be healthy and well adjusted as children raised in heterosexual households.”

⁶ American Academy of Pediatrics. Policy Statement on Co-parent or Second-Parent Adoption by Same-Sex Parents. Committee on Psychosocial Aspects of Child and Family Health , February 2002.

“Children deserve to know that their relationships with both of their parents are stable and legally recognized. This applies to all children, whether their parents are of the same or opposite sex. The American Academy of Pediatrics recognizes that a considerable body of professional literature provides evidence that children with parents who are homosexual can have the same advantages and the same expectations for health, adjustment, and development as children whose parents are heterosexual.”