

The logo for the National Gay and Lesbian Task Force features the text "National Gay and Lesbian Task Force" in a bold, blue, sans-serif font. The words "National Gay and Lesbian" are on the top line, and "Task Force" is on the bottom line. To the right of the text is a stylized graphic consisting of a blue triangle pointing right, with a pink triangle pointing left inside it, creating a larger, multi-colored arrow shape.

National Gay and Lesbian  
**Task Force**

## **Senator John Kerry and Senator John Edwards On Marriage Equality and Other Forms of Recognition**

By Alain Dang

In recent months, marriage equality for same-sex couples has emerged as a major political issue in the United States. This resulted from three landmark court decisions: the June 2003 ruling by Ontario's high court that same-sex couples should have the right to marry under the nation's charter of rights; the U.S. Supreme Court ruling a week later that anti-gay sodomy laws violated the U.S. Constitution's right to privacy; and the November 2003 Massachusetts Supreme Judicial Court ruling that denying marriage to same-sex couples violates that state's constitutional guarantees of equal protection and due process. Anti-gay activists and members of Congress have threatened to short-circuit state efforts to legalize marriage for same-sex couples through a Federal Marriage Amendment that would ban same-sex marriage and prohibit courts from granting more limited forms of recognition, such as hospital visitation rights, domestic partner health benefits, and second-parent adoption.

Religious right activists have vowed to make same-sex marriage "the issue" of the 2004 campaign. President Bush has expressed support for their efforts. Both Bush and Vice President Cheney have expressed support for the Federal Marriage Amendment, and Bush regularly states his opposition to marriage equality for same-sex couples. (See report on the Bush Administration, also on this Elections 2004 website.)

Senator John Kerry and Senator John Edwards have repeatedly expressed their opposition to marriage for same-sex couples. At the same time, they have spoken out against the Federal Marriage Amendment and made supportive comments in the wake of the Massachusetts court ruling.

It is likely that the candidates' statements and positions on the issue of marriage equality for same-sex couples will continue to shift over the course of the primary season. Therefore, we will update this document as appropriate.

(Note: Direct quotes are from the candidates, either in response to surveys from the Task Force and the Human Rights Campaign, or in media interviews and debates. A few direct quotes are from campaign staff, and refer to their candidate in the third person instead of the first person.)

*Last updated: August 30, 2004*

## **John Kerry**

### **Marriage Equality**

### **Opposes**

Opposes gay marriage, but supports civil unions. “I have long believed that gay men and lesbians should be assured equal protection and the same benefits...that all families deserve.”<sup>1</sup>

“...I think the law of equal protection requires to afford rights to people. Whether you call it marriage or not is up for grabs, but you have to have the rights.”<sup>2</sup>

“I think marriage is a term that, kind of, gets in the way of this discussion. ...The rights is what’s critical. It’s equal protection under the law that is at stake here.”<sup>3</sup>

When asked about the distinction between civil unions and marriage, Kerry replied, “There’s a distinction. There’s no distinction in the rights that are afforded...The distinction is in a body of America that culturally, historically and religiously views marriage very differently. Marriage is viewed as a union between men and women, and that is a cultural historical view that I believe – that’s my position...we need to achieve what we can, and then we will see where we are. It may well be that if we achieve civil union, if we have leadership that advances the causes that I have described to you, that we may all of us progress as we have progressed in the last 15 years to a place where there is a different understanding of it. But at this particular moment in time, I don’t believe that exists, and I want to pass the Employment Non-Discrimination Act. I want to pass hate crimes. I want to pass federal benefit partnership rights. I want to advance as fast and as appropriately as I think we can, but I think that one has to respect the current cultural, historical, religious perception, and I respect it.”<sup>4</sup>

### **Massachusetts Supreme Judicial Court Ruling in Support of Marriage Equality**

### **Supports**

“I believe that today’s decision calls on the Massachusetts state legislature to take action to ensure equal protection for gay couples. These protections are long overdue.”<sup>5</sup>

### **Civil Unions**

### **Supports**

“I support civil unions, which afford same-sex couples equality at the level of state policy.”<sup>6</sup>

“Kerry supports same-sex civil unions so that gay couples can access the health benefits, inheritance rights, or Social Security survivor benefits that are guaranteed for heterosexual couples.”<sup>7</sup>

### **Domestic Partnership**

### **Supports**

“I believe that same-sex couples should be granted basic rights, including access to pensions, health insurance, family medical leave, bereavement leave, hospital visitation, survivor benefits, and other

---

<sup>1</sup> (2003, November 24). Candidates stand on gay marriage. *The Associated Press*.

<sup>2</sup> NPR News Special. (2004, January 6). Democratic presidential candidate debate. *National Public Radio*.

<sup>3</sup> NPR News Special. (2004, January 6). Democratic presidential candidate debate. *National Public Radio*.

<sup>4</sup> (2003, July 15). Human Rights Campaign forum with the Democratic candidates for President of the United States. *Federal News Service*.

<sup>5</sup> Press release: Statement from John Kerry on Massachusetts Gay Marriage Ruling. (2003, November 18). Retrieved December 30, 2003, from [http://www.johnkerry.com/pressroom/releases/pr\\_2003\\_1118a.html](http://www.johnkerry.com/pressroom/releases/pr_2003_1118a.html)

<sup>6</sup> Response to National Gay and Lesbian Task Force Policy Institute survey. (2003, April).

<sup>7</sup> John Kerry for President. Retrieved December 30, 2003, from <http://www.johnkerry.com/issues/glb/>

basic legal protections that families and children need. I have supported legislation to provide domestic partners of federal employees the benefits available to spouses of federal employees.”<sup>8</sup>

**Defense of Marriage Act**

**Opposes**

Voted against the 1996 Defense of Marriage Act (DOMA)<sup>9</sup> that prohibited federal recognition of the marriages of same-sex couples and declared that states were free to refuse recognition of such marriages performed in other states.<sup>10</sup>

“I will vote against this bill, though I am not for same-sex marriage, because I believe that this debate is fundamentally ugly and flawed,” Kerry said during the 1996 DOMA debate.<sup>11</sup>

Kerry was one of only 14 Senators—and the only one up for re-election in 1996—to oppose DOMA.<sup>12</sup>

**Proposed Federal Marriage Amendment**

**Opposes<sup>13</sup>**

**Social Security Survivor and Spousal Benefits**

**Supports<sup>14</sup>**

---

<sup>8</sup> Response to National Gay and Lesbian Task Force Policy Institute survey. (2003, April).

<sup>9</sup> H.R. 3396, amend. 318, 104<sup>th</sup> Cong. (1996).

<sup>10</sup> Lewis, Gregory B. and Edelson, Jonathan L. (2000). DOMA and ENDA: Congress Votes on Gay Rights. In Craig A. Rimmerman, Kenneth D. Wald and Clyde Wilcox, eds. (2000). *The Politics of Gay Rights*. Chicago and London: University of Chicago Press, p. 201.

<sup>11</sup> Faltermayer, C., et al. (1996, September 23). Campaign notebook. *Time*, p. 22.

<sup>12</sup> John Kerry for President. Retrieved January 5, 2004, from <http://www.johnkerry.com/communities/glb/glb2.html>

<sup>13</sup> (2003, November 24). Candidates stand on gay marriage. *The Associated Press*.

<sup>14</sup> Response to National Gay and Lesbian Task Force Policy Institute survey. (2003, April).

## **John Edwards**

### **Marriage Equality**

**Opposes**

“I personally do not support gay marriage.”<sup>15</sup>

### **Massachusetts Supreme Judicial Court Ruling in Support of Marriage Equality**

**Supports**

“As I have long said, I believe gay and lesbian Americans are entitled to equal respect and dignity under our laws. While I personally do not support gay marriage, I recognize that different states will address this in different ways, and I will oppose any effort to pass an amendment to the United States Constitution in response to the Massachusetts decision. We are a nation comprised of men and women from all walks of life. It is in our national character to provide equal opportunity to all, and this is what unites our country, in laws and in shared purpose. That is why today, we must also reach out to those individuals who will try to exploit this decision to further divide our nation, and ask them to refrain from that effort.”<sup>16</sup>

### **Civil Unions**

**Unclear**

“I believe gay and lesbian relationships should be treated with respect and should be extended benefits under law.”<sup>17</sup>

The *Boston Globe* reported that in response to a question on his views on civil unions, “Edwards... said the issue should be left to individual states.”<sup>18</sup>

### **Domestic Partnership**

**Supports**

“I support partnership benefits for committed gay and lesbian couples.”<sup>19</sup>

### **Defense of Marriage Act**

**Unclear**

No public position.

### **Proposed Federal Marriage Amendment**

**Opposes**

“I recognize that different states will address this in different ways, and I will oppose any effort to pass an amendment to the . . . Constitution in response to the Massachusetts decision.”<sup>20</sup>

### **Social Security Survivor and Spousal Benefits**

**Supports**<sup>21</sup>

---

<sup>15</sup> Weiss, J. (2003, November 19). Most are cautious in voicing support. *Boston Globe*. Retrieved December 30, 2003, from [http://www.boston.com/news/nation/articles/2003/11/19/most\\_are\\_cautious\\_in\\_voicing\\_support/](http://www.boston.com/news/nation/articles/2003/11/19/most_are_cautious_in_voicing_support/)

<sup>16</sup> Palmieri, J. (2003, November 19). Press release: Statement of Senator Edwards on Massachusetts Supreme Judicial Court decision.

<sup>17</sup> Response to National Gay and Lesbian Task Force Policy Institute survey question about civil unions. (2003, May).

<sup>18</sup> Response to National Gay and Lesbian Task Force Policy Institute survey. (2003, May).

<sup>19</sup> Response to National Gay and Lesbian Task Force Policy Institute survey. (2003, May).

<sup>20</sup> Weiss, J. (2003, November 19). Most are cautious in voicing support. *Boston Globe*. Retrieved December 30, 2003, from [http://www.boston.com/news/nation/articles/2003/11/19/most\\_are\\_cautious\\_in\\_voicing\\_support/](http://www.boston.com/news/nation/articles/2003/11/19/most_are_cautious_in_voicing_support/)

<sup>21</sup> Human Rights Campaign. Campaign 2004: 2004 Presidential Questionnaire Responses. Retrieved December 2, 2003, from <http://www.hrc.org>