

# The Huffington Post

Interview with Evan Wolfson: Marriage Equality and the Presidential Election

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Evan Wolfson is a dear friend of mine. Almost more than any other, Evan is responsible for bringing the issue of marriage equality to the forefront of our struggle for civil rights. He is a courageous pioneer who has been relentless in this battle for marriage equality. Evan has agreed to answer some basic questions that so many of us are being asked in this election year about marriage equality.

Evan Wolfson is Executive Director of [Freedom to Marry](#), the gay/straight partnership working to win marriage equality nationwide. Before founding Freedom to Marry, Evan served as marriage project director for Lambda Legal Defense & Education Fund, was co-counsel in the historic Hawaii marriage case, and participated in numerous gay rights and HIV/AIDS cases.

Evan previously served as Associate Counsel to Lawrence Walsh in the Iran/Contra investigation, and as an Assistant District Attorney in Brooklyn, New York. Between Yale University and Harvard Law School, Evan spent two years with the Peace Corps in West Africa.

Citing his national leadership on marriage equality and his appearance before the U.S. Supreme Court in *Boy Scouts of America v. James Dale*, the *National Law Journal* named Evan one of "the 100 most influential lawyers in America" in 2000.

In 2004, Evan was named one of the "Time 100," *Time* magazine's list of "the 100 most influential people in the world."

Evan Wolfson's first book, [Why Marriage Matters: America, Equality, and Gay People's Right to Marry](#), was published by Simon & Schuster in July 2004 and was re-released in paperback with a new foreword in June 2005.

## **1. Do you think to be for marriage equality is a liability for Presidential candidates in 2008?**

No, but I think having to reply to questions again and again without providing a convincing or coherent answer could be. Being drawn into repeated expositions that lack authenticity or logic makes a candidate less appealing (even to people who would respect leadership and a position they don't fully agree with). Half-answering over and over is a

distraction from a campaign's preferred focus on central questions more significant to more voters, such as war and national security, economy and the increasing wealth gap, health care and education, and so on. In back-to-back pieces on The Huffington Post, I recently marshaled evidence that [politicians can vote right on marriage and prevail](#), and laid out the best way to [answer the marriage question](#) -- not just because it's in our interest that they get it right, but because it's in theirs, too. The Democrats will never be anti-gay enough to satisfy the opponents, and there is no evidence that they will lose voters who agree with them on the "what" of "equality" (which they all profess to favor) but then reject an honest stand on the "how" of marriage equality.

## **2. Why should a candidate be for repealing DOMA?**

Because the so-called "DOMA" or federal anti-marriage law passed in 1996 was a radical and cruel departure from 200+ years in which the federal government honored the marriages of Americans without discrimination. So-called DOMA creates two classes of marriage, first-class marriages for those the federal government likes, which receive more than 1000 legal protections and incidents, and second-class marriages, for those the government doesn't like, which get no access to this important safety-net that matters to couples, kids, and those interacting with them. In the United States, we don't have second-class citizens, and we shouldn't have second-class marriages, either. Government has no business putting obstacles in the path of Americans seeking to care for one another -- gay or non-gay.

## **3. What is Section Three of DOMA, which Senator Clinton wants to repeal, and what would remain if that section is taken out?**

Senator Clinton, like all the other Democrats running for president, favors repeal of the worst provision of the federal anti-marriage law, the part that says that the federal government will not honor the lawful marriage of a taxpaying same-sex couple, thereby withholding from the 1138+ federal protections and responsibilities that marriage triggers. These include your family's access to your Social Security, fair treatment for your family under immigration law, fair treatment under tax laws, access to veteran's coverage, etc. What Senator Clinton has not yet addressed is the other part of so-called DOMA, which says that states can dishonor and destabilize marriages of people from other states. People should not have to worry whether their marriage will be honored and their family protected depending on where they are parking that day.

## **4. Are the candidates being politically wise in being for civil unions and not for marriage equality and should we support them in that political strategy?**

No, and no, as discussed in my Huffington Post pieces above. Civil union, let alone the freedom to marry, doesn't just happen. Support for increments along the way comes through the engine of fighting for the freedom to marry, and the powerful, resonant, humanizing, shared vocabulary of marriage. It's not as if the candidates or society are generously offering civil union or partnership, etc., and we are somehow unreasonably asking for more; rather, it's our engagement -- asking for, fighting for, making the case

for -- the full that has moved them on the partial. Marriage is the tug, and when gay people undercut that tug, it doesn't help our cause, or the candidates either. Those who are giving early support to particular candidates may have good reasons for doing so, but when we too quickly say "it's okay" for them not to support full equality (and even fudge what full equality is), it's not helpful. You can't get people to care if you begin by saying "I don't care," as in "I don't care what we call it," etc. And if we drop down, if we fail to do the heavy lifting (particularly at this very early stage of an unusually long presidential cycle), we do the candidates, our cause, couples, kids, and the country the disservice of not creating the space in which America (and its politicians) can rise to fairness.

### **5. Aren't civil unions the same thing as marriage with a different name?**

No. Marriage, in the US, is a civil union -- a legal institution and a legal (or civil) status created through a license issued by the government. But "civil union" is pointedly, deliberately, not marriage, when offered as a separate and lesser alternative for same-sex couples denied the same freedom to marry the candidates professing support for equality all have. I discuss this more fully [here](#) and in my book, *Why Marriage Matters: America, Equality, and Gay People's Right to Marry*. One of the main protections that comes with marriage is the word marriage; everyone knows who you are in relation to the primary person you are building your life with, and so much flows from that, tangibly and intangibly. We need to explain this, patiently, to people (which means we all should do a little homework to know how to explain the differences clearly and simply. Marriage is a system that provides meaning, clarity, and security through a tangible safety-net and intangible vocabulary and shared experience and aspirations. "Civil unions" or "partnership," etc. are not a system; they are varied legal mechanisms springing up in response to our fight for the freedom to marry. They are a step in the right direction, certainly better than nothing, but far short of marriage and all that it brings. Would any of the married candidates swap their marriage and the freedom to marry for a civil union? Why should other Americans have to?

### **6. Do we have to compromise on marriage equality in order to win the 2008 election?**

On Election Day one makes decisions whom to vote for by determining which outcome in a (usually binary) choice will better advance one's interests and values, and the well-being of our loved ones, our country, etc. As Barney Frank wisely says, voting is not dating; you may have to accept imperfection. But at this stage in the campaign, there is no need to dumb down or write off the possibility of getting that binary choice as good as possible, and improving the climate in the meantime so that post-election we are best placed to advance. We cannot put all our eggs in an election basket, and particularly not when that election is more than a year of work, possibility, and change away. Regardless of how we ultimately vote, or even what we decide to do at various points, why give up on doing better now?

### **7. Didn't marriage cause the Democrats to lose in 2004 in places like Ohio?**

No, that myth has been refuted over and over -- not just by the Task Force and HRC, but by political, academic, and media analysts as well. Some of those analyses are collected [here](#). And, of course, 2008 is not 2004. The country, as Senator Clinton put it regarding her position on marriage, continues to "evolve." As Senator Edwards has put it regarding his position on marriage, Americans are on a "journey." Those of us who are not running for president have the obligation to continue that movement, not count on time or others to allow fairness to simply waft in. There is no marriage without engagement; it is our job to engage. And the Democrats lose when people sense they stand for nothing. In this case, given the party's history of fighting for inclusion and civil rights, the stands state Democratic parties have taken in favor of the freedom to marry, the votes most Democratic legislators have cast (including those in MA and CA who voted for marriage and all got reelected), and the current candidates' positions on gay "equality," the public rightly believes the Democrats are the party of marriage equality. The only ones who haven't admitted it yet are the leading presidential contenders, even though they demonstrably cannot explain why they don't support the freedom to marry. This election will not be decided on gays or marriage (and nor was the election of 2004). But how candidates deal with important questions such as equality, protections for all, standing up to discrimination, and the values of marriage (love, commitment, fairness, freedom) can be symptomatic of how they address dispositive questions and win over or alienate voters. Hence the word "yet." They all have a chance to get this right -- and we all have the chance now to help them.

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