

## Major Arguments against the NC Marriage Protection Amendment

### 1) Unnecessary and Distracting

- Reasons:
  - State statute currently limits marriage to opposite-sex couples
  - Federal DOMA protects state from having to recognize a same-sex marriage legalized in another state
  - Budget, economic recovery and job creation should be the priority of lawmakers
- Response:
  - State statute could creatively be ruled unconstitutional and overturned by activist judges
  - Federal DOMA is also under judicial attack
  - Bill proposing marriage amendment has been proposed in every session in both the State Senate and House since 2004
  - Need further discussion on why it is in the public interest for law and policy to recognize and regulate marriage. The family is the fundamental unity of society. Governments rely on families to produce and rear children. When the family deteriorates, more government (and cost) is required to pick up the pieces.

### 2) "Discrimination not Preservation"

- Reasons:
  - Threatens the benefits of domestic partners and children of unmarried couples, including Domestic Violence protections
  - Denies equal rights
  - Encourages division and opens door for bigotry
- Response:
  - NC Domestic Violence laws currently extend protection to persons beyond the marital relationship
  - Need further discussion for the moral dignity of marriage, sex and personhood. Without such discussion, the emotional appeals such as "Why interfere with love?" "How will your married gay neighbors hurt your marriage?" and "Can't same-sex couples also provide good homes for needy children?" will be persuasive. Marriage is by definition exclusive. Sexual complementarity is a legitimate condition of marriage because it upholds marriage as a one-flesh union. To rid marriage of this condition also opens the door to polyamory. Also, marriage is oriented towards procreation and the raising up of civil citizens. Marriage discriminates same-sex couples no more than the military does against the flat-footed.

### 3) Bad for Business

- Reasons:
  - Businesses would potentially be denied control over what benefits they offer employees (e.g. insurance for a domestic partner)
  - Amendment creates a perception that North Carolina does not welcome diverse, creative workforce that is needed to compete in the global economy
- Response:
  - The added clause "This section does not prohibit a private party from entering into contracts with another private party; nor does this section prohibit courts from adjudicating the rights of private parties pursuant to such contracts" significantly decreases this potential