



# Perpetuating Inequality

## A Romney Administration Would Spell Disaster for Gay and Transgender Americans

Jeff Krehely and Crosby Burns July 2012

In 1994 Mitt Romney professed that “if we are to achieve the goals we share, we must make equality for gays and lesbians a mainstream concern.”<sup>1</sup> Unfortunately that Mitt Romney is not running for president. Today’s Mitt Romney has repackaged himself as a candidate opposed to laws and policies that advance equality for gays and lesbians, all as an appeal to socially conservative voters.

In fact, if elected president in 2012, Gov. Romney’s administration would actively institute a host of laws and policies that would make the United States *less* equal for gay and transgender Americans.<sup>2</sup> He would reverse years of progress that have leveled the playing field for gay and transgender Americans. And he would even work to enshrine discrimination into the Constitution with a harmful antigay federal amendment clearly intended to curtail rights, not extend them.

The kinds of laws and policies that Mitt Romney espouses impose financial harm on families headed by same-sex couples and threaten the health and wellness of gay and transgender Americans and their families. In short, a Romney administration would spell disaster for gay and transgender Americans.

In this issue brief we examine the harmful impact that Mitt Romney’s policies would have on four groups of gay and transgender Americans:

- Families headed by same-sex couples
- Older gay and transgender Americans
- Gay and transgender workers
- Gay and transgender youth

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## A Romney administration would spell disaster for families headed by same-sex couples

Mitt Romney has made it clear that he opposes equal marriage rights for same-sex couples. He signed a National Organization for Marriage pledge promising to defend the Defense of Marriage Act in federal court, support an amendment to the U.S. Constitution that would define marriage as a relationship between one man and one woman, and appoint Supreme Court justices and other federal judges who would rule against marriage equality.<sup>3</sup> What's more, Mitt Romney does not even support civil unions or domestic partnerships, despite the fact that nearly two-thirds of Americans, including an increasing number of conservatives, support marriage equality or civil unions.<sup>4</sup>

The Defense of Marriage Act prohibits the federal government from recognizing legal state marriages of same-sex couples. The law is currently being challenged in a number of federal courts, with Republican- and Democratic-appointed judges consistently ruling that the law is unconstitutional. The Obama administration's Department of Justice has similarly determined that the act is unconstitutional and therefore is no longer defending the law in court. A Romney administration, on the other hand, would vigorously defend it in court.

The ongoing national debate about marriage equality for same-sex couples often focuses on the rights and responsibilities being denied to same-sex couples that are associated with marriage. But this debate all too often completely overlooks another (and perhaps more) harmful part of the story: Legally denying marriage for same-sex couples inflicts direct and immediate harms on the 2 million children who are being raised in the United States by same-sex parents.

These children are denied basic rights and access to social safety net programs that all other children have—simply because certain politicians and policymakers are biased against the sexual orientation of these children's parents. It is no wonder then that children being raised by same-sex parents are twice as likely to live in poverty as children being raised by married heterosexual parents.<sup>5</sup> This higher poverty rate is in large part due to the financial burdens the Defense of Marriage Act forces upon gay and transgender families.<sup>6</sup> For example:

- **Children can't receive health insurance from their parents.** Because the federal government doesn't recognize the relationships of same-sex couples, employers do not have to extend health insurance benefits to the partners of gay employees or to the children of these partners. This leaves these families to choose between expensive insurance plans in the private market or forgo health insurance and often medically necessary care.
- **Families headed by same-sex couples cannot claim credits and deductions designed to ease the financial cost for families raising children.** Because the federal government does not recognize these families, they generally cannot maximize dependency

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## Mitt Romney: ‘I don’t really care what you tell your adopted daughter’

As governor of Massachusetts, Mitt Romney did everything in his power to prevent marriage equality from becoming reality in the Bay State. When Julie Goodridge a lead plaintiff in one of the federal cases challenging the Defense of Marriage Act encountered Gov. Romney when he was working to obstruct marriage equality in Massachusetts, she asked what she should tell her daughter about why her mothers could not get married. His response? A resounding “I don’t care.”

“I looked him in the eye as we were leaving the meeting,” Goodridge says in the video, “and I said in exasperation, ‘Governor Romney, tell me, what would you suggest I say to my 8-year-old daughter about why her mommy and her ma can’t get married? Because you, the governor of her state, is going to block our marriage.’ And he looked at me,” Goodridge continues in the video, “and he said, kind of looked over my shoulder with this blank stare and said, ‘I don’t really care what you tell your adopted daughter. Why don’t you just tell her what you’ve been telling her for the last eight years?’”<sup>7</sup>

Luckily, Mitt Romney failed to block marriage equality from becoming law in Massachusetts. As a result, Julie Goodridge and her wife Hillary Goodridge no longer have to explain to their daughter Annie why her two moms cannot get married.



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Hillary, left, and Julie Goodridge play with their daughter, Annie, and their dog, Mary, on a hammock in their backyard in Boston’s Jamaica Plain section. Julie and Hillary Goodridge, the couple whose names were immortalized as the lead plaintiffs in the lawsuit against the state, carry copies of their wedding licenses with them everywhere they go, in case they have to prove they’re married in an emergency.

exemptions, child tax credits, children and dependent care credits, and education deductions. This leaves these families with a significantly higher tax burden compared to families headed by different-sex parents.

- **Family size isn’t accurately counted when determining eligibility for safety net programs and critical sources of financial aid.** Due to the Defense of Marriage Act, many federal programs cannot recognize two same-sex parents and instead treat one parent as legally unrelated to the other parent and to the child or children. This inaccurate counting of family size can unfairly deny children in these families assistance that would be granted to children with married, heterosexual parents. This includes limited access to programs such as Medicaid and the State Children’s Health Insurance Program, early child care education programs such as Head Start, and loans and grants for higher education.
- **Children in binational families live in constant fear of a parent’s deportation.** Under the Defense of Marriage Act, Americans cannot sponsor same-sex partners born outside the country for entry into the United States, even if the couple is legally married in their state. As a result, our nation’s immigration law regards the foreign-born spouse and parent

as a legal stranger to his or her own family, and puts them at risk for deportation. A family headed by a heterosexual binational couple would not have this legal problem or fear.

Essentially, the Defense of Marriage Act and other antigay laws treat members of the same family as legal strangers. Not only do these families have to suffer this legal indignity, but they are also cut off from critical programs that help all other families to make ends meet, take care of each other, and otherwise build a life together.

These children are the collateral damage of politicians and policymakers like Mitt Romney who not only want to see the Defense of Marriage Act remain the law of the land but want to even further erode equality by writing marriage discrimination into the U.S. Constitution with an amendment that would define marriage as a relationship between one man and one woman.

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## A Romney administration would spell disaster for older gay people

Gov. Romney's support of a federal marriage amendment to the U.S. Constitution and for maintaining the Defense of Marriage Act would have a devastating impact on older same-sex couples, who are more likely to be living in poverty than their straight counterparts.<sup>8</sup>

A number of important policies that provide older Americans with economic security in their retirement years are based on marriage. But because of the Defense of Marriage Act, people in same-sex relationships do not have access to Social Security's spousal and survival benefits. Considering that a majority of all older adult households have a high reliance on Social Security benefits, same-sex couples' unequal access to these benefits often means the difference between living in poverty and having a stable income during their older years.<sup>9</sup>

Unequal access to these benefits has a real impact on the livelihood of older same-sex couples.<sup>10</sup> Older heterosexual couples receive about \$17,000 in Social Security income annually, compared to just \$14,000 for older male same-sex couples and \$12,000 for older female same-sex couples. In other words, gay people and straight people pay equally into the Social Security fund, but because of the Defense of Marriage Act, same-sex couples are systematically denied equal Social Security benefits. Mitt Romney supports laws and policies that perpetuate this type of inequality.

Beyond Social Security, the Defense of Marriage Act also means that older same-sex couples face a higher tax liability than older different-sex couples when trying to access tax-qualified retirement plans<sup>11</sup> such as IRAs and 401(k)s, as well as pension plans.<sup>12</sup>

Similarly, older Americans with a same-sex partner can incur significant tax liabilities when a partner dies and estate taxes and other inheritance issues come into play. Without proper documentation, surviving same-sex partners may not be entitled to the

inheritance they would otherwise receive if they were the deceased individual's heterosexual partner. Even when a surviving same-sex partner does inherit their loved one's assets, inequitable tax treatment can mean paying 45 percent in taxes on that inheritance that a surviving heterosexual spouse would inherit tax free.<sup>13</sup>

Gov. Romney's support of the Defense of Marriage Act and a federal constitutional marriage amendment means that he supports continuing policies that discriminate against older same-sex married couples. It also means that these couples will continue to receive fewer benefits than their straight married peers—and suffer higher poverty rates as a result—simply because Gov. Romney is biased against their sexual orientation.

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## A Romney administration would spell disaster for gay and transgender workers

Today gay and transgender workers experience high rates of discrimination and harassment on the job. Approximately 42 percent of gay workers have experienced discrimination based on their sexual orientation at some point in their lives.<sup>14</sup> What's more, 90 percent of transgender workers report experiencing harassment, mistreatment, or discrimination on the job or took actions like hiding who they are to avoid it.<sup>15</sup> Employment discrimination leaves far too many gay and transgender Americans unemployed, uninsured, and more financially insecure than their straight and nontransgender counterparts.

Due in part to discrimination in the workplace, gay and transgender people face higher poverty rates,<sup>16</sup> are more likely to lack health insurance, and often have less stable and significantly lower incomes<sup>17</sup> than their straight and nontransgender counterparts. For example, whereas only 9 percent of different-sex couples are raising children live in poverty, that figure is 21 percent for male same-sex couples and 20 percent for female same-sex couples. Discrimination in employment is largely to blame. When gay and transgender workers are forced out of a job, they are left without a steady income to make ends meet and to provide stable and healthy homes for their children.

Unfortunately, no federal law exists that prohibits employment discrimination on the basis of sexual orientation and gender identity. Instead, gay and transgender workers must rely on an incomplete patchwork of state laws that offer them employment protections in some states and leave them unprotected in a majority of states.<sup>18</sup> If passed, the Employment Non-Discrimination Act would fill that patchwork by instituting a comprehensive set of legal protections that ensure gay and transgender workers in all 50 states are protected from workplace discrimination.<sup>19</sup>

The 1994 version of Mitt Romney enthusiastically supported the Employment Non-Discrimination Act, stating during his 1994 U.S. Senate campaign that he would co-sponsor the bill if elected.<sup>20</sup> But Gov. Romney has since reversed course. While he

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continues to support nondiscrimination in theory, he has also said he does not support a federal law (such as the Employment Non-Discrimination Act) that outlaws workplace discrimination for gay and transgender workers.<sup>21</sup>

In other words, he thinks it's perfectly OK for gay and transgender people to be fired simply because of their sexual orientation and gender identity if that is what their state representatives decide is best.<sup>22</sup> For the 2012 version of Mitt Romney, states' rights trump equal treatment under the law for all Americans.

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## A Romney administration would spell disaster for gay and transgender youth

Mitt Romney's position on policies impacting gay and transgender youth have devolved over the years. In his unsuccessful 1994 bid to unseat Sen. Ted Kennedy (D-MA), Romney was strongly and clearly in favor of taking steps to help these vulnerable youth.<sup>23</sup> As the governor of Massachusetts in the early to mid-2000s, Gov. Romney maintained support for policies that offered a lifeline to gay and transgender youth.<sup>24</sup> But once he set his eyes on the 2008 Republican presidential nomination, Gov. Romney apparently decided gay and transgender youth did not merit help from the public sector.

For example, in July 2006 Gov. Romney used a line-item veto to strip \$158,000 from a counseling program to help gay and transgender victims of violence. The same year Gov. Romney also prevented the publication of a 120-page antibullying guide by the state of Massachusetts that included two pages on combating bullying of gay and transgender people. According to *The Boston Globe*, Gov. Romney blocked the guide because it used the terms "bisexual" and "transgender."<sup>25</sup>

It is unfortunate that Gov. Romney has rolled back his positions on gay and transgender youth because evidence shows the stark realities that many of these youth face. For example:

- A 2012 survey from the Human Rights Campaign found that gay and transgender youth are twice as likely as their peers to be physically assaulted or verbally harassed at school.<sup>26</sup>
- The 2009 National School Climate Survey by the Gay, Lesbian and Straight Education Network found that nearly one-third of gay and transgender middle and high school students have skipped at least one day of school due to concerns about their safety in the previous month.<sup>27</sup>
- The Gay, Lesbian and Straight Education Network survey also found that 61 percent of those students felt unsafe at school because of their sexual orientation, while 39 percent have felt unsafe because of their gender expression.

- Although gay and transgender youth make up only about 5 percent of the overall youth population in the United States, they account for nearly 40 percent of our country's youth homeless population.<sup>28</sup>
- Once on the streets, gay and transgender homeless youth are nearly twice as likely to attempt suicide compared to their peers.<sup>29</sup>

Although perhaps politically expedient, Gov. Romney's shrinking support for gay and transgender youth had a real and negative impact on the those youth in Massachusetts. Many more gay and transgender youth would face similar harm if he were to take his policies nationwide.

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### Advancing equality requires presidential leadership

Whether it's same-sex couples and their children, older gay and transgender Americans, gay and transgender workers, or gay and transgender youth, a Romney administration would put in place laws and policies that allow people to be treated differently based on their sexual orientation and gender identity. This unequal treatment has significant consequences for gay and transgender Americans by perpetuating financial insecurities and by threatening the health and wellness of them and their families.

Gay and transgender individuals need a government that works for all Americans and treats all Americans equally. Based off his own campaign statements and policy positions, Mitt Romney would not lead that kind of government.

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## Endnotes

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