

The major objective of the gay rights homosexual movement is to win legitimacy and public approval for the homosexual "sexual preference" or "lifestyle." Nothing would accomplish that objective as effectively as legal recognition of homosexual marriages. This could be accomplished by constitutional amendment (many believe the proposed Equal Rights Amendment would have done this), legislative action (none has been taken thus far), or court decision (thus far, all courts that have been urged to approve homosexual marriages have refused to do so). The liberal Unitarian Universalist Association recently became the first major Protestant denomination to approve homosexual marriages. (Deseret News, June 29, 1984.)

Recognition of homosexual marriages would entitle homosexual couples to such diverse privileges as child adoption, tax benefits, right to court-enforced support, alimony and property division upon divorce, social security benefits, property rights such as intestate inheritance or spouse's indefeasible share, citizenship privileges, right to sue for wrongful death, access to housing that is restricted to married couples or unattached singles, and pension and group insurance benefits, to name only a few.

In my opinion, the interests at stake in the proposed legalization of so-called homosexual marriages are sufficient to justify a formal Church position and significant efforts in opposition. Such a position could make the following points, which are stated here in secular terms appropriate for public debate on proposed legislation:* (This list is only illustrative, and should be supplemented in the context of the particular proposal being opposed.)

(1) We speak in defense of the family, which is the bulwark of society.

* We therefore do not mention that, in religious terms, homosexual "marriages" would be a devilish perversion of the procreative purposes of God and the earth life He has granted His children. Homosexual relations are wholly deviant to the procreative purpose of sexual relations. Homosexual marriages are wholly deviant to the patriarchal family.

(2) The legal rights conferred on marriage partners are granted in consideration of the procreative purpose and effects of a marriage between a man and a woman. (Even marriages between men and women who are past the child-bearing years serve this procreative purpose, since they are role models for younger, child-bearing couples.)

(3) Cohabitations between persons of the same sex do not meet the time-honored definition and purposes of "marriage" and therefore should not qualify for the legal rights and privileges granted to marriage.

(4) One generation of homosexual "marriages" would depopulate a nation, and, if sufficiently widespread, would extinguish its people. Our marriage laws should not abet national suicide.

IV. TWO CLOSING OBSERVATIONS.

1. There is an irony inherent in the Church's taking a public position opposing homosexual marriages. This should be mentioned here since it is sure to be noted by others. The leading United States Supreme Court authority for the proposition that marriage means a relationship between a man and a woman is Reynolds v. United States, 98 U.S. 145 (1878).

In that case, in which the United States Supreme Court sustained the validity of the anti-polygamy laws, the Court defined marriage as a legal union between one man and one woman. The court's stress in that case was on one. The modern relevance of the Reynolds opinion is in its reference to marriage as being between a man and a woman. The irony would arise if the Church used as an argument for the illegality of homosexual marriages the precedent formerly used against the Church to establish the illegality of polygamous marriages.

2. This whole subject of homosexual rights in relation to the family is more complicated than first appears. For example, a difficult case likely to arise is whether the law's traditional favoritism for parental rights would allow a natural parent who is homosexual to raise his or her child in a homosexual environment, advocating a homosexual lifestyle? Or, in the alternative, would the law's traditional hostility to homosexuality prevail over parental rights and require the child's custody to be given to a non-parent? The issue is mentioned here since it would be used by the opposition to suggest that in opposing homosexual marriages the Church was also opposing parental rights.