

The Facts on the Michigan Marriage Amendment and Domestic Partnership Benefits

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Contrary to false claims by opponents of Florida's Marriage Protection Amendment, both sides of the issue in Michigan agree that after the Michigan Supreme Court ruling this year, the homosexual domestic partners of government employees will *continue* to receive benefits under broader eligibility criteria modified to comply with Michigan's marriage amendment.

State constitutional amendments protecting marriage have passed in 27 states. Not a single person has lost benefits in any of these states. Further, not a single individual in Michigan has lost any benefit. The irony, especially in light of false characterizations made in Florida, is that under the broader criteria, *more* Michigan citizens -- not fewer -- are now eligible for coverage under government employees' health care plans.

The following quotes from homosexual activists and news media, mainstream daily newspapers, and other legal authorities all validate the fact that no person has lost benefits in Michigan as a result of our state Marriage Protection Amendment.

HUMAN RESOURCE EXECUTIVE: "Despite the (Michigan Supreme) court's decision, gay people will continue to have benefits for their partners,' agrees Emily Doskow, an attorney and co-author of A Legal Guide for Lesbian & Gay Couples." <http://www.hreonline.com/HRE/story.jsp?storyId=98632841>

WASHINGTON BLADE ("gay" newspaper in D.C.): "Despite the ruling, state employers and major universities in the state are still claiming the right to provide benefits to the partners of employees by instead extending coverage to adult dependents in employees households. Sean Kosofsky, director of policy for the Triangle Foundation, a Michigan gay advocacy group, said a number of employers redrew policies to offer benefits while complying with court decisions. 'We are hoping that all public employers that want to offer these benefits will do the same, including new employers,' he said." <http://www.washingtonblade.com/2008/5-16/news/national/12585.cfm>

DETROIT FREE PRESS: "The practical effect of the Michigan Supreme Court ruling on the marriage amendment's effect on same-sex benefits may be next to nothing... The silver lining, if there is one, is that public employers who provided same-sex health benefits have so far found a way around the amendment's strictures by offering benefits more widely than just to same-sex or heterosexual couples; the University of Michigan, for example, now offers employees the chance to extend benefits to any nonrelated designee." <http://www.freep.com/apps/pbcs.dll/article?AID=/20080510/OPINION01/805100319>

MICHIGAN INDEPENDENT (University of Michigan): "The decision should not affect the University's employee health care coverage. After the 2007 Court of Appeals decision, the University no longer offers benefits on the basis of same-sex domestic partner relationships; but had changed their policies so that employees' partners would remain covered." <http://www.michiganindependent.com/2008/05/08/mi-supreme-court-bans-same-sex-benefits>

LANSING STATE JOURNAL: The "ruling Wednesday by Michigan's high court about same-sex benefits is likely to have little local effect. That's because months ago, many Lansing officials began rewording their domestic partner benefits packages."

<http://www.lansingstatejournal.com/apps/pbcs.dll/article?AID=/20080508/NEWS04/805080356>

ANN ARBOR NEWS: "When a Michigan Supreme Court ruling on Wednesday upheld a ban on governments and universities extending benefits to the gay partners of employees, the University of Michigan and city of Ann Arbor were already prepared. U-M and the city had previously altered their policies by taking out any mention of 'same-sex.' That revision should allow them to continue extending benefits within the law, said officials with the ACLU, city of Ann Arbor and U-M. ...ACLU of Michigan Executive Director Kary Moss said her organization will work with municipalities on their policy language so it adheres with Wednesday's ruling and still offers benefits to unmarried couples."

http://www.mlive.com/news/index.ssf/2008/05/ruling_on_samesex_benefits_wei.html

ASSOCIATED PRESS: "Gay rights advocates...are confident that public-sector employers have successfully rewritten or will revise their benefit plans so same-sex partners can keep getting health care."

<http://www.mlive.com/newsflash/index.ssf?/base/news-53/121017504644810.xml&storylist=newsmichigan>

DETROIT FREE PRESS: "There is likely to be no immediate impact from the ruling because public employers in Michigan who had offered such benefits already had changed their policies to ensure their employees' partners would remain covered. ...Dozens of public employees' partners most likely will be able to continue to be eligible for health care under benefit changes that allow unmarried employees to cover a designated beneficiary." <http://www.freep.com/apps/pbcs.dll/article?AID=2008805080375>

Attorney Jay Kaplan of the Michigan ACLU, chief counsel for the homosexual plaintiffs in the case at issue, Lansing City Pulse: "'The Michigan Court of Appeals decision never said that public employers could not provide health care coverage to domestic partners of employees,' Kaplan wrote in an e-mail. He said that employers can provide health insurance coverage for domestic partners as long as they do not specifically recognize the domestic partner relationship by filing domestic partner benefit forms, for example when determining criteria for insurance eligibility." http://www.lansingcitypulse.com/index.php?option=com_content&task=view&id=1133&Itemid=2

Between the Lines, a homosexual activist newsweekly in Detroit, reported: "(ACLU-Michigan lawyer Jay) Kaplan says that even under the Appeals Court ruling, benefits can be offered, but they have to be done in a way which does not recognize same-sex partners or relationships."

<http://www.pridesource.com/article.shtml?article=25497>

Kalamazoo Alliance for Equality, a homosexual activist group, said in a news release: "The Michigan Court of Appeals did not say that health insurance coverage for domestic partners is illegal. The court said that public employers cannot use criteria that recognizes the domestic partner relationship."

<http://www.tri.org/docs/Kzoodprallies.doc>

ProtectMIFamilies.com, a joint website by the ACLU and the Triangle Foundation: "Question: Have any employers ended their benefits for domestic partners in respond to the Michigan Court of Appeals decision? Answer: So far to the best of our knowledge, no public employer has terminated health insurance coverage for domestic partners of employees. It should be noted that as flawed as the Court of Appeals decision is, it did not say that domestic partners could not receive health insurance coverage. The Court held that a same-sex relationship could not be recognized for eligibility purposes for health insurance coverage. However, employers can use other criteria where the same-sex relationship is not recognized for health insurance coverage. We have been working with public employers, whose contracts may be ending to develop alternative criteria as a way to ensure continued coverage, while our case is on appeal." <http://protectmifamilies.org/teir.php?page=5#5>