

# Protection of Marriage Equality Is in Everyone's Best Interests

By the partnership of Selendy Gay

May 17, 2024

Today marks an important milestone for marriage equality in the United States—the 20th anniversary of Massachusetts becoming the first state in the nation to legally recognize same-sex marriage, following its highest court's decision in *Goodridge v. Department of Public Health*.

In the ensuing years, this historic moment was followed by nationwide change, culminating in two landmark cases in the U.S. Supreme Court: *United States v. Windsor* (2013), which declared the federal Defense of Marriage Act's definition of marriage as between one man and one woman to be unconstitutional, and *Obergefell v. Hodges* (2015), which recognized that the 14th Amendment to the U.S. Constitution guarantees marriage equality as a matter of federal law.

The importance and effect of these court decisions cannot be overstated. By 2020, more than 513,000 same-sex couples had married in the United States. As a partnership that counts more than one-third of its members as LGBTQ+—all of whom are married—and as a firm where more than 20% of its lawyers identify as LGBTQ+, we at Selendy Gay understand first-hand the impact of these landmark decisions. And as litigators who are not only fierce trial advocates, but lifelong students of the law, we understand



Photo: Patricia Burmicky

**Partners Faith E. Gay, left, and David S. Flugman at Selendy Gay's 2023 annual Pride Event.**

the solid legal foundation for the right to marry the person of one's choosing—and the ways in which opponents of permitting every American access to this fundamental right threaten the immense progress our nation has made.

We unfortunately live in an era in which we must continue to defend our rights, including the fundamental rights that we and our predecessors have fought so hard to achieve. We were all painfully reminded of this when, in 2022, the Supreme Court eliminated a woman's right to choose in *Dobbs v. Jackson Women's Health Organization*. While that

decision is harrowing enough, certain members of the court have signaled their desire to revisit previous decisions recognizing fundamental rights in the sphere of human relationships, with marriage equality at the top of the list. This would be a grave mistake.

The legalization of same-sex marriage has had overwhelmingly positive effects—not just for the same-sex couples who directly benefit from its protections, but for all Americans. A recent study from the nonprofit research organization RAND found that the benefits of marriage equality are “unambiguously positive.” Indeed, none of the polemical effects advanced by the opponents of marriage equality during the past 20 years has come to pass; rather than see a decrease in the rates of marriage or divorce among heterosexual couples we’ve seen a slight increase in marriage rates overall. Extending marriage equality to all couples also resulted in the improved health of LGBTQ+ individuals, fewer hate crimes, and increased adoption rates. And marriage equality has had a direct and positive economic effect—more weddings mean more business, and the financial stability that marriage brings enables more consumer spending, greater economic mobility, and increased home ownership—one of the most reliable indicators of economic health.

The benefits to same-sex couples specifically are, of course, without question. With marriage equality comes stability and security, financial benefits, such as tax savings, Social Security survivor benefits, access to federal pensions, inheritance rights, and veteran’s benefits, immigration benefits, and essential health benefits, including hospital visitation and medical decision rights, family leave, and end-of-life decision making.

All of the health advantages that have been found in heterosexual marriages—including longer lifespans, enhanced mental wellness, and the positive influence of support during critical illnesses—have the same impact on the mental and physical health of same-sex couples and their families. More than 1 million children in the U.S. are being raised by lesbian mothers or gay fathers, and studies show that those children are faring just as well as their peers, if not better, in behavioral adjustment, gender identity, learning and grade point averages, among other areas.

By contrast, returning to a legal structure that delegitimizes same-sex families would only exacerbate the already too-high prevalence of depression and suicide in the LGBTQ+ community, especially among LGBTQ+ teens.

Marriage equality is good for society, good for the economy, and good for public health. It fosters inclusivity, unity and responsibility, promotes a more compassionate community, strengthens families, and reduces discrimination and stigma.

So, let’s all take a moment to acknowledge and celebrate the important first step Massachusetts took 20 years ago towards ensuring that all of us have access to the institution of marriage. And let’s all frankly recognize that we must continue to defend our most fundamental rights to ensure that not only our LGBTQ+ colleagues, clients, friends, and communities thrive in stable, happy marriages, but that everyone in our country benefits from marriage equality, regardless of their sexual orientation.

*The partnership of **Selendy Gay** submit this column in solidarity with our LGBTQ+ partners, colleagues, and the entire LGBTQ+ community*