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MEMORANDUM

TO: Senate Judiciary Committee

FROM: Andy Hoover, Legislative Director

DATE: March 15, 2010

RE: OPPOSITION TO SENATE BILL 707

The Senate Judiciary Committee is scheduled to vote on Senate Bill 707 on Tuesday. SB 707 would amend the Pennsylvania Constitution to ban same sex marriage. Passing this amendment would embed discrimination into our constitution and would mark Pennsylvania as an unwelcoming place to live, work, and visit. The American Civil Liberties Union of Pennsylvania opposes SB 707, and on behalf of the approximately 16,000 members of the ACLU of Pennsylvania, I urge you to please vote “no” on this legislation.

Twice in the recent past the legislature has taken up this initiative, in 2006 and 2008, and both times it has failed to pass. Members of the General Assembly have made it clear that there is little appetite for making this a central issue on the legislature’s agenda.

And the people of Pennsylvania agree. A 2009 poll conducted by Muhlenberg College and The Morning Call found that 45 percent of Pennsylvanians oppose amending the constitution to ban same sex marriage. Forty four percent support the legislation¹. There is no groundswell behind SB 707.

Pennsylvania can ill afford to be a state that is viewed as unwelcoming to a diverse population. While the commonwealth is one of the oldest states in the nation,² polls show that young people support the LGBT community by wide margins.³ Meanwhile, speculation has started that Pennsylvania is likely to be one of nine states that will lose a Congressional seat after the 2010 census is completed due to slow

¹ Micek, J.L. (2009) *Have attitudes changed here about same sex marriage?* The Morning Call, May 6, 2009.

² Himes, C.L. (2003) Which U.S. states are the oldest? Retrieved March 14, 2010, from <http://www.prb.org/Articles/2003/WhichUSStatesAretheOldest.aspx>.

³ Agiesta, J. (2010) Post-ABC poll: Views on gay marriage steady, more back civil unions. Retrieved March 14, 2010 from http://voices.washingtonpost.com/behind-the-numbers/2010/02/post-abc_poll_views_on_gay_mar.html.

population growth.⁴ Our commonwealth must find ways to keep young adults who grow up in Pennsylvania from leaving the state when they enter the work force and to attract young, talented workers from other states. Passing legislation that is harmful to LGBT persons will not achieve those goals.

Gay and lesbian Pennsylvanians are our neighbors, co-workers, and friends. They pay taxes and serve our communities. They raise children and volunteer with civic organizations. They simply desire the same rights, responsibilities and protections as all other Pennsylvanians. SB 707 is a step backward for the LGBT community and for Pennsylvania.

Historically, state and federal constitutions have been used to preserve and expand the rights of the people and limit the power of the government. When the constitution has been used to restrict rights, as with Prohibition, it has led to disastrous results.

Same sex marriage is already banned by law in Pennsylvania. The people of Pennsylvania want the legislature to spend its valuable time on more important issues. Please vote “no” on SB 707.

⁴ Zito, S. (2010) Census numbers point to Pennsylvania losing House seat. *Retrieved March 14, 2010, from http://www.pittsburghlive.com/x/pittsburghtrib/news/s_660322.html.*