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SENT BY FAX

To: Mayor of the City of Long Beach and  
All Members of the Long Beach City Council

Ladies and Gentlemen:

Yesterday I was informed that within the next few days the Long Beach City Council intends to vote on a resolution “affirming the support of the City of Long Beach for full marriage equality, and for the decision of the Governor and Attorney General not to further defend Proposition 8 in court.” I trust that the Council wants to act in the best interests of the residents of this city and I hope they will temper their zeal with reason and care. After consideration, I suggest that the resolution would be unwise, for the following reasons:

1. A majority of California voters approved Proposition 8 in the last election. This, of course, amended a provision of our state constitution. To devote council and staff time and effort to this state issue would in effect force disagreeing city taxpayers to participate in funding it through their taxes. Since there can be no purpose for the resolution other than political, it should be financed entirely by those who want and authorize it.

2. The premise of the proposed proposition is misleading. Contrary to its inference, and to the recent conclusion of a single federal District Court judge, there is no “inequality” at the present time. All persons, whether heterosexual or homosexual, now have the same right to marry only a person of the opposite sex. No one, regardless of sexual orientation, can currently marry anyone of his/her choosing, notwithstanding contrary language often carelessly used. We have laws that prevent marriage to close relatives, to persons already married to another, and to minors without parental consent. We are all subject to the same restrictions.

The California legislature has enacted the Domestic Partnership Act giving to all registered domestic partners the same rights as married persons. Partners in a homosexual relationship may register as domestic partners. There are federal limitations to rights extended but they can be removed by Congress. Proposition 8 opponents are not accurate when they say they want only equality, since that is what already exists to the extent the state has power to grant it. What they actually ask is that marriage be redefined to include marriage between persons of the same sex. This request having failed in the popular vote, they have asked the court to grant it. Such a sea-change redefinition would of necessity require that students be taught, either in sexual education or tolerance classes, to accept same-sex marriage as equal by law to traditional marriage, even if their parents object to such teaching, conscientiously believing for moral, religious or other reasons that such relationships are wrong. While some provisions exist for opting children out of sexual education classes, and there may be some tightrope dancing on this, no opting out is allowed for students in mandatory tolerance classes.

3. Same-sex marriage will probably further damage traditional marriage. Contrary to the recent finding of the single federal judge referred to earlier, we have long known that a child raised by a both a mother and a father is more likely than a child raised only by a mother, to succeed in life. Such a child is less likely to engage in criminal conduct or have serious physical or mental health problems. But the institution of marriage has run into trouble, particularly since the advent of no-fault divorce. With loosening moral standards and changing social mores, and for other reasons as well, divorce rates have risen, many people have come to view marriage as unnecessary, and the number of children born out of wedlock is continuing to increase. Recent newspaper accounts confirm this.

If same-sex marriage is permitted, it will end traditional restraints. If a person is free to marry anyone of his/her choice, it is likely that polygamous (polygynous, polyandrous and group) marriages will follow. In the recent U.S. Supreme Court case of *Lawrence v Texas*, Justice Scalia so stated in his dissenting opinion. [1] Canada's same-sex "marriage" law is being used as justification for polygamy by defense lawyers in a case now pending in the British Columbia Supreme Court. [2] What is there besides "tradition" to prevent legal sanction of polygamous "marriages?" Legalization of same-sex marriage will herald to all that social tradition no longer controls. Other than for reasons of health, there will then be no apparent basis for limiting the number of marriage partners, providing all such partners are competent and in agreement. Further, it is likely that legislatures will see no need to continue legal and tax benefits formerly extended only to married persons, further decreasing the incidence of marriage, all to the detriment of our children. For many, "marriage" will cease to have meaning.

4. Opponents of Proposition 8 filed a legal action to resolve what they saw as a controversy, presumably knowing that an appeal by one side or the other would be likely. It would seem that both sides would now want the full appellate process to be carried out under public scrutiny so that the issue could then be finally put to rest. Unless one is afraid of the outcome, why not?

This is not a subject to be lightly considered simply to appease any segment of our community. If marriage is redefined, same-sex marriage partners will enjoy official approval but we will be experimenting with the well being of our children and the institution of marriage itself. If you agree that that is the choice, then you must decide which is more important. In this

matter there is no room for hatred or bigotry, but neither should our eyes be closed to the potential consequences. The direction we take may be irreversible.

If you question the accuracy of any of the contents of this letter, you may wish to ask the City Attorney for a formal opinion before you put the matter to a vote. Thank you for your consideration.

William T. Garner

Ccs: Long Beach City Attorney  
Long Beach City Manager  
Long Beach City Auditor  
Long Beach City Prosecutor  
Long Beach Press-Telegram