The Bush Administration on Marriage Equality for Same-Sex Couples

By Jason Cianciotto and Roddrick Colvin

President George W. Bush has successfully positioned himself and his administration as moderate on a number of issues, including issues of concern to lesbian, gay, bisexual and transgender (LGBT) people. President Bush often cultivates an image of tolerance by offering contradictory statements on particular issues. For example, when asked about marriage equality for same-sex couples, Bush said, “If necessary, I will support a constitutional amendment which would honor marriage between a man and a woman, codify that.” However, he also said, “The position of this administration is that whatever legal arrangements people want to make, they’re allowed to make, so long as it’s embraced by the state or at the state level.” The first statement suggests codifying marriage discrimination against lesbians and gay men by amending the US Constitution to ban same-sex marriage, as well as the use of state or federal law to mandate any of the protections for same-sex couples. Bush’s second statement, however, suggests allowing states the freedom to decide how to recognize same-sex couples absent federal intervention.

The Bush Administration has been careful to cultivate this image of moderation, and the mainstream media often portrays Bush as moderate on gay issues. However, despite his statements of tolerance and moderation, Bush has consistently aligned himself with right-wing causes and policies, and his anti-gay record is clear:

- He opposes marriage equality for same-sex couples and appears to support the proposed Federal Marriage Amendment (FMA), which would amend the U.S. Constitution to define marriage as only between a man and a woman, and would also prevent state legislatures or courts from mandating more limited benefits through civil unions or domestic partnerships.
- Bush is unclear in his position on civil unions, which would afford some benefits and responsibilities at the state-level.
- He is unclear in his position on domestic partnerships, which afford limited benefits to same-sex partners of employees, like health and medical benefits.
- Bush is unclear in his position on Social Security and spousal benefits, which would afford same-sex partners access to Social Security and other pension benefits if a partner dies.

1 The Federal Marriage Amendment (FMA) would deny same-sex couples the right to marry and restrict the recognition of relationships outside of marriage, such as domestic partnerships and civil unions.
President Bush is not alone in presenting unclear statements about marriage equality and partner recognition. In the 2000 Vice Presidential debate, Dick Cheney proposed letting states decide the marriage equality and partner recognition issues. This year, Vice President Cheney appeared to change his position. In a January 2004 interview, Cheney pledge to support the president if he pursues a Constitutional amendment to deny same-sex couples the right to marry and restrict the recognition of relationships outside of marriage, such as domestic partnerships and civil unions.

This report documents President George W. Bush’s record on marriage equality and partner recognition for same-sex couples. Despite his contradictory statements on LGBT-related issues and his media image as a moderate, George W. Bush does not support marriage equality and has not been clear about other, limited, forms of partner recognition.

**Marriage Equality:**

**Opposes**

George W. Bush opposes marriage equality for same-sex couples, and appears to support the Federal Marriage Amendment (FMA), which would ban the marriages of same-sex couples and threaten more limited forms of partner recognition like civil unions and domestic partnerships. He also supports the 1996 Defense of Marriage Act (DOMA), and issued a proclamation in support of “Marriage Protection Week,” which was sponsored by right-wing, anti-LGBT organizations in October 2003. He also opposes the recent Massachusetts Supreme Judicial Court ruling legalizing marriage for same-sex couples.

**2000 Election**

- During the second presidential debate in October 2000, when asked about his thoughts on same-sex relationships, Bush replied, “I’m not for gay marriage. I think marriage is a sacred institution between a man and a woman. And I appreciated the way the administration signed the Defense of Marriage Act… I think marriage is a sacred institution. I’m going to be respectful for people who may disagree with me…but I feel strongly that marriage should be between a man and a woman.”

**Proposed Federal Marriage Amendment**

- On July 2, 2003, when asked about the proposed constitutional amendment banning same-sex marriage and undermining more limited forms of partner recognition Bush responded, “I don’t know if it’s necessary yet… what I do support is a notion that marriage is between a man and a woman.”

- At a press conference in late July 2003, in which he was asked about the misleading and inaccurate statement in his State of the Union Address that Iraq had tried to purchase uranium in Africa, Bush also announced his intention to introduce legislation that would

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further codify the ban on same-sex marriage. When also asked about his view on homosexuality, given that many of his supporters believe it is immoral, Bush responded:

Yes, I am mindful that we’re all sinners, and I caution those who may try to take the speck out of their neighbor’s eye when they got a log in their own. I think it’s very important for our society to respect each individual, to welcome those with good hearts, to be a welcoming country. On the other hand, that does not mean that somebody like me needs to compromise on an issue such as marriage. And that’s really where the issue is heading here in Washington, and that is the definition of marriage. I believe in the sanctity of marriage. I believe a marriage is between a man and a woman. And I think we ought to codify that one way or the other. And we’ve got lawyers looking at the best way to do that.7

- On July 31, 2003 White House Press Secretary Scott McClellan repeated Bush’s belief in the “sanctity of marriage” between one man and one woman, including his support for the Defense of Marriage Act (DOMA).

  - When asked how this view reflects on Bush’s “compassionate conservatism,” McClellan replied that while “the President very much respects people who disagree with his view,” this is not an issue where he is going to compromise, though “we all should remember that it’s important to respect one another…to treat one another with dignity and respect.”8

  - When asked to clarify Bush’s statements on July 30, 2003, which were interpreted to mean that he believes homosexuals are “sinners,” McClellan responded, “…The President believes that in the eyes of God, we are all the same…that it’s not his place to judge other people. So we need to treat one another with dignity and respect…it’s a tolerant approach in terms of respecting one another. …someone’s sexual orientation is his personal business. The President is not someone who believes in politicizing someone’s sexual orientation.”9

- On December 16, 2003, in an interview with Diane Sawyer on ABC News, Bush remained unclear about his support for the Federal Marriage Amendment, stating both that he would support it “if necessary,” and that the decision should be made “at the state level.” According to Bush:

  If necessary, I will support a constitutional amendment which would honor marriage between a man and a woman, codify that, and will—the position of this administration is that whatever legal arrangements people want to make, they’re allowed to make, so long

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7 Ibid.
9 Ibid.
as it’s embraced by the state or [?] start at the state level. Let me tell you, the court I thought overreached its bounds as a court. It did the job of the legislature. It was a very activist court in making the decision it made. As you know, I’m a person who believes in judicial restraint, as opposed to judicial activism that takes the place of the legislative branch.10

Massachusetts Supreme Judicial Court Ruling on Marriage Equality for Same-Sex Couples

• On November 18, 2003, Bush released an official statement opposing the Massachusetts Supreme Judicial Court ruling in Goodridge v. Department of Public Health which declared that the denial of civil marriage to same-sex couples violates the state constitution.11 Bush said:

Marriage is a sacred institution between a man and a woman. Today’s decision of the Massachusetts Supreme Judicial Court violates this important principle. I will work with congressional leaders and others to do what is legally necessary to defend the sanctity of marriage.12

Marriage Protection and Promotion, and Broad Anti-Gay Agenda

• On October 3, 2003, Bush signed an official proclamation designating the week of October 12 through October 18, 2003 as “Marriage Protection Week.” Bush’s statement declared:

Marriage is a sacred institution, and its protection is essential to the continued strength of our society. Marriage Protection Week provides an opportunity to focus our efforts on preserving the sanctity of marriage and on building strong and healthy marriage in America…. Marriage is a union between a man and a woman…we must support the institution of marriage and help parents build stronger families. And we must continue our work to create a compassionate, welcoming society where all people are treated with dignity and respect.13

• A coalition of 29 conservative political and religious organizations sponsored “Marriage Protection Week,” including the Concerned Women for America, Focus on the Family, the Family Research Council, and the public policy arm of the Southern Baptist Convention.

• In response, the National Gay and Lesbian Task Force Policy Institute conducted an analysis unmasking the people and organizations that sponsored “Marriage Protection Week.” A Task Force analysis of the 29 sponsors of Marriage Protection Week (MPW) found that these organizations disproportionately focus on homosexuality compared to issues that actually impact marriage and family life; that the resources of these organizations dwarf those of the supposedly “rich and powerful gay lobby” by at least a 4-1 margin; and that contrary to

Bush’s official proclamation, the planned activities of the week had no focus whatsoever on “building strong and healthy marriages,” but rather were almost exclusively directed at building support for the anti-gay Federal Marriage Amendment.  

- The groups co-sponsoring “Marriage Protection Week” often use intemperate language to promote intolerance and explicitly promote discrimination against gay people.
  
  - The American Family Association, criticizing efforts to end widespread anti-gay harassment and violence in the schools, recently wrote:
    
    What Would Jesus Do? Jesus never “tolerated” or “accepted” sin. While His response to sin was swift and sometimes harsh, His motive was always one of unconditional love. Jesus didn’t “pussy foot” around, fearful He may “offend” someone or worried He may appear “hate-filled,” “intolerant” or “bigoted.” No, Jesus called it like it was: sin is sin is sin. Many times He openly exhibited a holy, righteous anger and zeal for “His Father’s business.” Jesus rebuked and exposed … It’s high time Christians—followers and Ambassadors of Christ—did the same.

  - Traditional Values Coalition leader Lou Sheldon, a lead co-sponsor of Marriage Protection Week, wrote earlier this year: “We are not tolerant of behaviors that destroy individuals, families and our culture. Individuals may be free to pursue such behaviors as sodomy, but we will not and cannot tolerate these behaviors…In short, we believe in intolerance to those things that are evil; and we believe that we should discriminate against those behaviors which are dangerous to individuals and to society.” The Traditional Values Coalition opposes sexual orientation nondiscrimination laws, which are supported by overwhelming majorities of Americans, including 56% of Republican voters, 70% of independents and 75% of Democrats.

  - Sheldon also warned in a September 2003 fundraising letter that “this flood tide of perversion” of “homosexual activists” seeks to “abolish the idea of marriage altogether,” which is not true. Sheldon also predicted that the legalization of same-sex marriage would lead to marriages between “three women and two men, or two women and three men.”

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Concerned Women for America recently warned that same-sex marriage “pose[s] a new threat to US border security” calling a legally married Canadian same-sex couple trying to enter the U.S. as a married couple “the latest pair of ‘domestic terrorists.’”

- The groups co-sponsoring “Marriage Protection Week” also portray themselves as representing middle America, but in fact they promote the development of a theocratic state and have a vision of an intolerant America that is out of step with the views of most Americans.

- A number of sponsoring organizations of Marriage Protection Week, including American Cause, led by Pat Buchanan, oppose affirmative action and abortion rights. Buchanan calls “mass immigration” a “suicide pill of the GOP.”

- Eagle Forum opposes statehood for the District of Columbia (an overwhelmingly black and Democratic-voting district) and Puerto Rico, and supports establishing English as the official language of the U.S. It opposes the Bush Administration’s proposal to offer Social Security benefits to legal and illegal Mexican workers. It also brags about leading the fight to defeat the Equal Rights Amendment in the 1970s and early 1980s, and criticizes the use of women in combat in Iraq, claiming “feminist ideology, like G.I. Jane standing naked in the shower, is an empress who has no clothes.”

**Vice President Dick Cheney on Marriage Equality**

In 2000, Vice Presidential candidate Dick Cheney argued that the issue of marriage equality for same-sex couples should be decided at the state-level.

- At the October 5, 2000 Vice Presidential Debate, Cheney was asked about same-sex relationships. He responded, “The fact of the matter is, we live in a free society, and freedom means freedom for everybody. …And I think that means that people should be free to enter into any kind of relationship they want to enter into. …The next step then, of course, is the question you ask of whether or not there ought to be some kind of official sanction, if you will, of the relationship, or if these relationships should be treated the same as a conventional marriage is. … I think the fact of the matter is that matter is regulated by the states. I think different states are likely to come to different conclusions, and that's appropriate. I don’t think there should necessarily be a federal policy in this area. …I think we ought to do everything we can to tolerate and accommodate whatever kind of relationships people want to enter into.”

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In January 2004 Cheney modified his position on state recognition of same-sex couples. While reaffirming his support for allowing states the freedom to decide how to recognize same-sex couples, Cheney pledged to support the President Bush if he pursues a Constitutional amendment banning same-sex marriage.

- On January 9, 2004 Vice President Cheney told the *Denver Post* “that the recent action by courts in Massachusetts and other states that recognize the rights of gays to the civil benefits of marriage has caused the administration to revisit the need for a constitutional amendment,” according to reporter John Aloysius Farrell. “Vice President Cheney said today he would support a presidential push to ban same-sex marriage,” Farrell continued. Cheney is directly quoted as saying the following:

> What I said in 2000 was that the question of whether or not some sort of status, legal status or sanction ought to be granted in the case of a relationship between two individuals of the same sex was historically a matter the states had decided and resolved, and that is the way I preferred it, but at this stage, obviously, the president is going to have to make a decision in terms of what administration policy is on this particular provision, and I will support whatever decision he makes.  

**Domestic Partnership:** *Unclear*

- In 2000 Bush said, “In the private sector [domestic partner benefits] are perfectly fine.” On the governmental level, he said, the decision should be left up to cities and states. Bush has not indicated whether or not he supports domestic partner benefits for same-sex partners of federal employees. Such a bill was introduced into Congress in 2003. The White House Press Office did not respond to a Task Force request to clarify the president’s position on domestic partner benefits for federal employees.

**Civil Unions:** *Unclear*

- On July 31, 2003 White House Press Secretary Scott McClellan was asked how the President feels about the “concept of civil unions as an alternative to gay marriage.” McClellan responded that Bush supports the Defense of Marriage Act, which “states that other states don’t have to recognize the civil unions or same-sex marriages of other states. So his position is very clear in support of that.” The White House Press Office did not respond to a Task Force request to clarify the president’s position on whether states should enact civil unions for same-sex couples, which afford a separate form of equality at the level of state policy but no federal protections. Texas, which Bush used to lead as governor, does not offer civil unions or domestic partnerships to same-sex couples.

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Social Security Survivor And Spousal Benefits: Unclear

- The Bush Administration has not taken a clear stance on the provision of Social Security survivor and spousal benefits for same-sex couples. However, Bush and Cheney’s apparent support for the Federal Marriage Amendment would preempt any court ruling in favor of equal treatment of same-sex couples under Social Security policy.

- On June 24, 2002, President Bush signed the Mychal Judge Act, named after the New York City Fire Department chaplain who was killed during the 9/11 terrorist attacks. The bill allows same-sex partners of public safety officers killed in the line of duty to receive federally guaranteed life insurance benefits as long as the same-sex partners were designated as beneficiaries by their partners. The bill, however, is only retroactive to September 11, 2001.

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