

DOMA Fact Sheet: 15 of the 1,049 reasons why separate is NOT equal.

The Federal Defense of Marriage Act (DOMA), as it reads: *'In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife... 'No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.'*

Many experts deem that the Federal DOMA is in violation of various provisions of the US Constitution.

Under DOMA,

1. Same-gender spouses are denied access to social security benefits to their spouse.
2. Same-gender spouses are denied the ability to share the Federal tax benefits provided to other married couples.
3. Same-gender couples can't benefit in the same way from certain annuities that provide preferential federal tax benefit.
4. Same-gender spouses are forced to take extra steps to place shared property (such as a home) in both names, which other spouses do not need to do.
5. Same-gender spouses transferring property from one spouse to the other must pay taxes for those transfers where applicable, which other married couples are not required to do.
6. While other spouses and their children are not required to pay a federal inheritance tax upon the death of their spouse/parent, same-gender spouses are required to do so, which results in a heavy financial burden for the surviving spouse.
7. Same-gender spouses also don't enjoy the same privileges as other married couples when forced by financial burden to choose bankruptcy &/or foreclosure of property.
8. Same-gender couples are forced to fill out and carry power of attorney paperwork in order to allow their spouse to make emergency financial decisions on their behalf.
9. Same-gender spouses are forced to fill out and carry living wills which give your spouse the ability to make decisions if you are unable to do so in medical emergencies, which other married couples don't have to do.
10. Same-gender spouses may not be able to make medical decisions on their spouse's behalf across state lines, which forces them to take special considerations when selecting destinations of travel (even when simply visiting family across state lines).
11. Same-gender parents forced to move to another state must draft a power of attorney in order for the non-birth parent to continue to be able to exercise basic parent rights such as enrolling their children in school, signing field trip permission slips, taking their children to the doctor's or dentist appointments, etc.
12. An American citizen who is legally married to a citizen of another country cannot legally bring their same-sex spouse into the country as would be possible for other married couples where one spouse is a citizen of the US.
13. Federal employees, including retired and active-duty military, cannot share their benefits with their spouse at all, (Even if Don't-Ask-Don't-Tell policy were rescinded).
14. Safety training for spouses of Federal employees in high-security jobs, and/or relocation of the federal employee's spouse are not paid for, as they are for other spouses.
15. A same-gender spouse whose life was lost due to the fault of the Federal government cannot successfully sue for the loss, as another spouse could.

The LGBTI Community & Allies demand a repeal of DOMA because we know that LGBTI people are not second-class citizens, and we will not stand for any members of our community to be treated as such.

As long as same-gender spouses cannot enjoy the same 1,049 federal benefits, protections and responsibilities that other spouses, DOMA means discrimination. Separate is not equal.