

July 9, 2004

Dear Senator:

The American Bar Association Section of Family Law is proud to make available to you a copy of its newly completed and released report entitled: *An Analysis of the Law Regarding Same-Sex Marriage, Civil Unions and Domestic Partnerships*. It provides an objective analysis of the legal and policy issues affected by same-sex marriage and serves as a guide to those considering this complex issue.

The report does not take a position on same-sex marriage or civil unions. The ABA has not taken a position on these issues, but supports the authority of states to regulate marriage within their borders and opposes any federal enactments that would remove this right from the states.

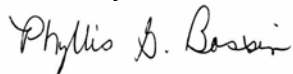
As the national leader on marital and family law issues, the Section of Family Law determined that it should take the lead in examining the state of the law and the legal ramifications of the recognition of same-sex marriage and non-marital unions.

The report addresses a number of topics, including:

- History of marriage
- Developments in the law regarding sexual orientation and gender identity, such as sodomy statutes, application of the equal protection clause to a state constitutional amendment, employment discrimination, custody and visitation rights, adoption, the military, schools and transgender people
- Areas of law that would be affected by the recognition of same-sex marriages and civil unions
- Case law on rights of same-sex couples to marry or form civil unions in Massachusetts, Vermont, Hawaii, Arizona and the District of Columbia
- Statutory protections and rights for same-sex couples in 18 states and select cities offering same-sex benefits
- A review of Defense of Marriage laws and the federal Defense of Marriage Act
- Recognition of same-sex partners by private sector employers
- Recognition of same-sex couples in other countries, including country-by-country descriptions of laws

I hope that you will find this report to be a valuable resource and that it will assist you and others who are engaged in the national debate on this very important issue.

Sincerely,



Phyllis G. Bossin  
Chair