

Question asks to restrict marriage

Backers aim to stop gays from wedding, but opponents fear it also could harm the elderly.

By DARA KAM
Palm Beach Post Capital Bureau

The Nolan-Pingpinks recently celebrated their union of 53 years.

But in their time of joy, they worry.

They feel they're a target — on two fronts — of a measure Floridians will vote on Nov. 4.

They're gay — and they're elderly.

"It's been a very slow, wonderful evolution during our time together since 1955, and to have any kind of a setback now, ever symbolic, would be very unhealthy"

What it says

The amendment defines marriage as the legal union of one man and one woman as husband and wife and provides that no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized.

said Dick Nolan, 71, a retired Episcopalian priest who lives with partner Bob Pingpank, 71, in West Palm Beach.

Amendment 2 seeks to put into the Florida Constitution what has been state law for years: that marriage is between a

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Opponents hold fund-raising edge

► UNIONS from 1A

man and a woman.

Supporters of the citizens' initiative contend it is necessary to prevent judges and gay-rights activists from changing state law.

But opponents are using a tactic that seemingly leaves gay marriage and related issues out of the debate. They are focusing on a constituency they believe will suffer inadvertently if the amendment passes: seniors.

"Essentially what you have here is older people will be collateral damage," said Bentley Lipscomb, a former secretary of the Florida Department of Elder Affairs and an adviser to the Florida Red and Blue campaign, which opposes the measure.

Some experts in elder law contend that the Florida Marriage Protection Amendment will harm seniors who live together without getting married to protect their assets, including Social Security benefits and pensions that would be reduced if they were to legally wed.

That's nonsense, said John Stemberger, who has spent more than three years collecting signatures to get the measure before voters.

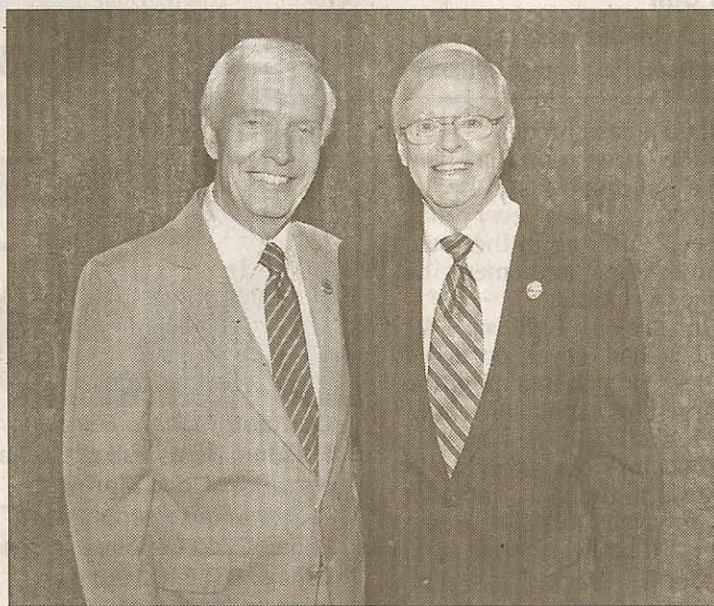
"It's just baloney. It's a scare tactic," said Stemberger, president of the Florida Family Policy Council, an organization associated with James Dobson's Focus on the Family.

Some experts predict that the proposal will do away with legal domestic partnerships granted to couples — both gay and straight — by counties including Palm Beach and municipalities including West Palm Beach.

Domestic partnership registrations are inexpensive ways for unmarried couples to gain such rights as making end-of-life decisions for their partners without having to pay attorneys to draw up documents.

Nolan and Pingpank were the first to register for the domestic partnership West Palm Beach offered in 2005 and, a year later, the first the county registered.

The amendment probably would have no impact on



TAYLOR JONES/Staff Photographer

Dick Nolan and Bob Pingpank, partners for 53 years, are upset that voters will consider a measure that could take away their rights.

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contracts such as insurance benefits offered by private companies, said Seth Marmor, a West Palm Beach attorney who specializes in elder law.

But it would affect government-issued domestic partnership registrations, because those will end up being challenged in court by proponents of restrictions on gay marriage, Marmor predicted. And, he said, it would restrict benefits extended to domestic partners of state and local government workers.

"This way overreaches its written intentions," said West Palm Beach Commissioner Bill Moss, also an adviser to Florida Red and Blue. "It's going to put us cities in an awkward situation. ... If this passes, we're in danger of losing good employees."

Supporters of the amendment have launched a statewide effort to get religious leaders to spread the word to their members.

"I'm aware of the concerns" about seniors, said Jimmy Scroggins, pastor of First Baptist Church in West Palm Beach, the site of an April news conference kicking off

a local campaign promoting the amendment.

"But ... our main concern is the legal definition of what a marriage is. And what a marriage is, from our understanding, is between a man and a woman who are committed to one another for life," said Scroggins, who came to the church in August.

If fund-raising is any indication, proponents could face an uphill battle getting the proposal into the state constitution.

Florida Red and Blue has collected more than \$2 million, including more than \$400,000 from Donald Burns, a West Palm Beach businessman who refuses to grant interviews. The political committee used some of that money to pay for television ads statewide during the Democratic National Convention in late August.

Stemberger's organization, florida4marriage.org, has collected less than \$650,000 since 2005.

"In every state, we've been outspent," Stemberger said. "We don't need the same kind of money they do."

This election year, presidential candidates John McCain and Barack Obama have steered clear of the proposal, unlike the 2004 election, when the anti-gay-marriage issue was front and center on the campaign trail.

Voters are more focused on the economy, said Daniel Smith, a University of Florida political science professor who specializes in ballot initiatives.

"This issue has run its course," Smith said. "Voters ask themselves, 'How have I been hurt with respect to gays and lesbians marrying vs. how have I been hurt from losing my job or my home?'"

Obama, a Democrat, has said he believes marriage should be between a man and a woman but does not support state or national efforts to bar gay unions.

McCain, a Republican, supports the federal Defense of Marriage Act, which denies federal recognition of same-sex marriages and gives states the right to refuse to recognize such marriages. But he believes same-sex couples should be allowed to enter into legal agreements for insurance and other benefits.

Since a landmark 2004 Massachusetts Supreme Court decision upholding the legalization of gay marriage, 23 states have embedded gay marriage bans into their state constitutions, joining Alaska, Nebraska and Nevada.

Arizona is the only state where voters rejected the measure, but a narrowed-down version is on the ballot again this year. California also has an initiative on the ballot.

But other states do not have the same 60 percent voter-approval threshold as Florida for a constitutional amendment to pass. Recent statewide polling shows that the measure is losing support and never reached the 60 percent mark.

Nolan said it "gives us the creeps" to think that the tiny identification card he and Pingpank carry in their wallets could be a thing of the past.

"We lived without it before. We can live without it again," he said. But he says they're considering going out of state to get married.

"It's just the idea of people voting to make sure that a certain group doesn't have equal rights with the rest of the population," he said.

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