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**Classifying Relationship and Marital Status
among Same-Sex Couples**

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Abstract:

For purposes of official statistics, relationship to the householder is often used to build and define household units. These units, in turn, are used to establish measures of well-being such as household income and poverty. In order to accurately portray a population's demographic and social profile, however, the measures used to produce such profiles must keep up with changes in society and laws. While same-sex couples in the United States historically have been denied legal recognition, in 2004, Massachusetts enacted legislation making same-sex marriage legal. Since then, several other states (and the District of Columbia) have passed similar laws. As a result, the number of same-sex couples who select the relationship category "husband or wife" is expected to increase as well. Recent estimates from the U.S. Census Bureau's American Community Survey (ACS) suggest that the number of same-sex couples reporting "husband or wife" is much larger than the actual number of same-sex couples legally married in the U.S. (Gates and Steinberger, 2009; O'Connell and Lofquist, 2009). One obvious explanation is that some same-sex couples equate their living situation to a marriage regardless of legal status. Alternatively, questionnaire design may play a part – the spouse category is first in the relationship category list on both the Census and ACS forms while unmarried partner is next to last in a long list of fourteen. This paper reports the results from focus group research to investigate how gay and lesbian couples think about and report their relationships and marital status. We also explored what certain terms, definitions, and categories mean to this subpopulation. The paper concludes with recommendations for question revisions that can be further tested in cognitive interviews and small-scale field tests.

Key Words: relationship, marital status, LGBT, focus groups

Classifying Relationship and Marital Status among Same-Sex Couples

Background

Enumerating same-sex couples in the United States is an ongoing challenge for the U.S Census Bureau. Beginning with the 1990 Census, “unmarried partner” was added to the relationship question’s list of response categories used to describe how persons within a household are related to Person 1, or the head of the household. This became a new way to classify same-sex (and opposite-sex) cohabiting couples. Data from the 1990 Census indicate there were 145,130 gay and lesbian couples who selected this relationship category (U.S. Census Bureau, 1993). In 1993, the Hawaii Supreme Court ruled that it was unconstitutional for the state to deny same-sex couples the right to marry. Given the tradition of states recognizing marriages performed in other jurisdictions, the case raised the possibility of gay weddings being conducted in Hawaii, and states on the Mainland having to honor those marriages as valid. In short, “unmarried partners” could become “husbands” and “wives.”

An effort to curtail this movement occurred with the passage in 1996 of the Defense of Marriage Act, or DOMA. DOMA states that no state in the union needs to treat a relationship between persons of the same-sex as a marriage even if the relationship is considered a marriage in another state. It further required the federal government to define marriage as a legal union exclusively between one man and one woman. DOMA-inspired legislation resulted in data editing procedures whereby same-sex couples who check “husband” or “wife” are automatically reallocated to the relationship category “unmarried partner.” This is true for the 2010 Census and other current Census surveys¹.

By 2000, several U.S. states (and the District of Columbia) enacted laws allowing domestic partner registries and civil unions to same-sex couples. These laws allowed for limited partnership benefits some

¹ This is true for the American Community Survey, the Current Population Survey, and the Survey of Income and Program Participation.

of which were intended to be state-level equivalents to a heterosexual marriage. And in 2004, Massachusetts became the first state to allow same-sex couples to legally marry. Over the next few years, while no additional states allowed same-sex couples to marry, many enacted domestic partnership or civil union mandates for same-sex couples.

With some options now available to legally codify their relationships, the ways in which gays and lesbians answered official government surveys began to change as well. The terms “husband/wife” and “now married” began to extend to some same-sex couples as they responded to government data collections such as the ACS. There is a scant literature on the topic of relationship and marital status classification in the LGBT population. Following Census 2000, Badgett and Rogers (2003) conducted surveys to try and estimate how many same-sex couples actually selected “unmarried partner”. They concluded that an undercount likely occurred. Most recently, Mills and Rigt-Poortman (2010) included an examination of reporting irregularities in partnership status across countries that participate in the European Social Survey. They reported that in countries where same-sex marriage is not allowed, 67% of gay and lesbian respondents reported their partnership status as “married” even though this option is not legally possible. In the U.S., O’Connell, Lofquist, Simmons and Lugaila (2010) recently documented reasons for a sharp decline in same-sex couples being counted as “spouses” as opposed to “unmarried partners”. They point to changes in the ACS processing, data capture, questionnaire design and layout as potential reasons for the decline.

Manning and Smock (2005) conducted in-depth interviews with young (aged 21-35) men and women in a geographically limited area who were currently or had recently been in opposite-sex cohabitating relationships. These interviews, conducted in 2002, revealed that the term “unmarried partner” was not well understood and they suggested “boyfriend or girlfriend” as alternative terminology. Hunter (2005), using semi-structured interviews with respondents in same-sex and opposite-sex cohabitating relationships in a geographically limited area, found that these two groups of

respondents had different reactions to the terms they examined. Opposite-sex respondents naturally used the term “boyfriend or girlfriend,” although they thought the term “unmarried partner” would apply to them. In contrast, same-sex couples did not identify with “unmarried partner” and had problems with “boyfriend or girlfriend.” They preferred “domestic partner,” “life partner,” or “spouse.” Hunter also investigated measuring cohabitation by asking a follow-up question to the marital status question, rather than changing the response categories in the question. This probe inquired about “a boyfriend, girlfriend or partner who lives in this household.”

Exactly how same-sex couples are defining and applying these labels and under what circumstances is unclear -- what *is* clear is that many are choosing them. Many more, in fact, than could possibly be legally married. According to The Williams Institute, at the end of 2008, there were approximately 35,000 same-sex couples who were legally married within the U.S. and 86,000 couples who were in some type of legally sanctioned same-sex relationship status. However, data from the 2008 ACS estimated the number of same-sex couples indicating “husband/wife” at close to 150,000.² Even counting all legally sanctioned unions (including domestic partnerships and civil unions), the number of couples reporting their relationship as “husband/wife” was too high (Gates, 2009). This discrepancy between legally married administrative records and marriage estimates based on self-reporting “husband or wife” suggest an interesting measurement issue for the Census Bureau: Were rapid changes regarding the legal recognition of gays and lesbians changing how they defined and reported their relationships?

If so, the pace of changes could also mean more same-sex couples will report themselves as “married.” In 2009, Iowa and Vermont joined Massachusetts in allowing for same-sex marriage while several other states (and the DC) began to recognize same-sex marriages performed in other

² Not all couples selected “husband/wife,” however; approximately 414,000 same-sex couples identified as “unmarried partners” (Williams Institute 2009).

jurisdictions. By 2009, 36.1% of the US population resided in an area with some form of same-sex legal recognition (Gates, 2010). In 2009, the Department of Commerce directed the Census Bureau to produce detailed tabulations of same-sex partners in the 2010 Census such that the number reporting husband or wife will be distinct from those reporting as unmarried partners³.

As more same-sex couples are allowed to be married, more gays and lesbians are likely embracing the norms and nomenclature associated with marriage even if the legal option is not currently available where they reside. This may extend to those entering into “marriage-like” commitments of domestic partnerships or civil unions that may fall short of traditional marriage but still convey some of the legal benefits and rights.

Getting accurate data on relationship and marital status is important because data from both are used to implement a variety of government programs including housing tax credits, mortgage revenue bonds and perhaps most important, to calculate poverty definitions. These definitions are based on income levels that vary by size of family and number of children. The official poverty measure only assumes resource sharing among individuals related by birth, marriage or adoption – members of cohabitating couples are assumed only have access to their own income. But, much research has focused on alternative poverty definitions and in particular, the concept to consider individuals who are not married but otherwise sharing resources as a single consumer and family unit (Kenney, 2006; Short, 2009). Consequently, how individuals comprehend and complete relationship and marital status questions has potential to impact these new measures.

It is clear that the Census Bureau and other federal statistical agencies must begin to rethink how these constructs are measured to keep up with the legal and societal changes. For example, the current

³ The reallocation edit for same-sex couples from “husband/wife” to “unmarried partner” still remains in place today, however, it is possible to use an internal edit flag to identify couples who originally report “husband/wife” for purposes of tabulation.

relationship categories do not reflect registered domestic or civil union partners. Likewise the current marital status only reflects traditional categories associated with legal marriage – it does not capture other legal (or nonlegal) cohabitation situations such as registered domestic partnerships or living with a partner without legal recognition. With same-sex marriage laws in flux but looking to expand, we must closely examine the evolving definition of marriage to accurately reflect and include the living situations of same-sex partners.

Research plan

We settled upon a two-phase qualitative research plan to study classification error around the relationship and marital status questions. The first phase is reported in this paper and reflects conclusions drawn from focus groups conducted across the U.S. Because the laws governing recognition of same-sex couples are so fluid and there is little to no research on the topic specific to the LGBT community, we felt that focus groups were well suited as a first step in the investigation. Focus groups would allow us to hear naturally occurring terms used to introduce same-sex partners, and understand the interpretation of current items as well as the reaction to alternative terms and categories. Focus groups were also well suited to assemble homogeneous groups with characteristics of interest to investigate if the interpretation of the items is conditional upon things like age, gender, legal partnership status of the individual and/or whether legal union are available to the individual where they reside.

The second qualitative phase will consist of one-on-one cognitive interviews to test several alternative versions of the relationship and marital status questions coming out of findings from the focus group phase. In the longer term, we hope to then conduct small-scale quantitative tests with questions that test well during the cognitive interview phase.

We structured the focus groups to investigate several broad research questions including:

1. What are the naturally occurring terms used to introduce same-sex partners?
2. How do individuals in same-sex relationships answer the current ACS/Decennial Census relationship and marital status questions?
3. Does how one answer depend upon current legal relationship status and/or what the laws are in the state where the individual resides?
4. Are the current questions interpreted to be asking about **legally defined** relationship/marital status or something else?
5. What are reactions to alternative terms/categories?
6. How are **opposite-sex** couples who are cohabitating but not legally married interpreting and completing the current ACS/Decennial Census relationship and marital status questions? What are their reactions to alternative terms/categories?

Methodology

Data collection and recruitment criteria

A total of 18 focus groups (14 with individuals in same-sex relationships, four with opposite-sex couples who are not legally married) were conducted between January 27 and March 25 across locations with differing policies regarding same-sex marriage.

Three of the locations were in states where there was some recognition of same-sex marriages – Boston, Massachusetts, where same-sex marriage has been legal since 2004; San Francisco, California, where gay marriage was legal from June 16 to November 5, 2008⁴; and Washington, DC, where at the time of our focus groups, the City Council had agreed to recognize same-sex marriages performed in other jurisdictions⁵. The remaining locations represented states without policies granting legal recognition to any type of same-sex union (Houston, TX, Topeka and Wichita, KS, Ft. Lauderdale, FL and

⁴ A voter referendum to ban same-sex marriage, known as Proposition 8 (“Prop 8”) passed in the November general election. Same-sex couples in California who had a legal marriage ceremony in California or another jurisdiction (e.g., Massachusetts) during those five months in 2008 were still recognized as legally married after November 5th. No same-sex marriages could be performed in California after that date, however, and marriage licenses obtained in other jurisdictions were not granted recognition in the state.

⁵ Legislation has since passed that allows same-sex marriages to be performed within the District.

three rural locations in Georgia)⁶. Many locations were selected after consulting *The Gay and Lesbian Atlas* (Gates and Ost, 2004) a reference volume that includes geographic estimates of the LGBT population and LGBT population profiles according to various demographic characteristics. Table 1 (attached) shows the state level policy regarding same-sex unions in each location, the number of groups conducted in each location and general group characteristics for each focus group. A total of 186 people – 94 women and 92 men – participated.

The recruiting criteria reflected additional characteristics hypothesized to be related to how participants would complete the relationship and marital status questions on a census form. The characteristics of interest were:

- For opposite-sex couples, no legal union; for same-sex couples, variation in the presence or absence of a legal union, and the type of union (marriage, domestic partnership or civil union)
- For all opposite-sex couples and same-sex couples in Boston, the choice NOT to obtain a legally recognized union in a location where such a choice was available
- The length of the relationship
- The age of the participants
- The presence of children in the household
- The education level of the participants
- The native language of the participants (for the purpose of understanding cultural variation)⁷.

In Boston, we purposely recruited participants without any legal union for one of the groups, while the other group included participants with a legal marriage in order to address the first two characteristics. In both Washington, DC and San Francisco, all of the participants in the women's group had legal marriages, and all but two of the participants in the men's group had domestic partnership

⁶ To help ensure confidentiality, the rural locations in Georgia are not named.

⁷ The current paper does not discuss in-depth findings from the two Spanish language groups.

agreements⁸. The remaining characteristics were distributed across the groups, though the men's group in Ft. Lauderdale and one of the opposite-sex groups in Houston specifically targeted people with less than a college education.

In addition to the above criteria, recruiting efforts attempted to get participation from a range of racial and ethnic groups. In Houston, there were two Spanish language groups (one opposite-sex, one same-sex) with all of the participants self-identifying as Hispanic. In the remaining opposite-sex groups, we had a relatively even distribution (approximately one-third each) of participants who self-identified as Hispanic, African American, and White. In the same-sex focus groups, however, far more whites participated than any other racial or ethnic group. In these twelve groups (participant $n= 146$), only nine African Americans participated, seven individuals who self-identified as Hispanic, and two participants who self-identified as Asian American. In part, this is a function of the demographics of the locations where some of the groups took place (rural Georgia and Kansas), but it also reflects some ethnic differences around gay identity that we were unable to address with our recruiting strategies. Certainly this is one limitation that should be taken into consideration when reviewing the findings of this study.

As noted above, the project also included four focus groups with participants currently in cohabitating opposite-sex relationships. The primary objective was to understand how participants in these living situations chose to respond to the current relationship and marital status questions. In addition, we wanted to gain information about how these individuals might respond to alternative terms considered as potentially appropriate for the living situations of same-sex couples.

All groups were conducted by one of three professional qualitative researchers with expertise in moderating focus groups about sensitive topics. Two moderators split the 16 English speaking focus groups, and the third moderator, a native Spanish speaker, covered the two Spanish speaking focus groups. All moderators observed or reviewed the video recordings of the first few focus group sessions,

⁸ There was one couple in the Washington men's group who did not have any legal certificates for their relationship; the other three couples were registered as domestic partners in the District.

and participated in internal debriefings after each session in order to facilitate consistency across groups and across moderators. A survey methodologist also attended every focus group session and led the internal debriefing discussions as an additional method to facilitate consistency and high quality across groups. Two Census Bureau principal investigators and other Census Bureau staff also observed the groups.

Recruitment Strategies

The project used a multi-pronged recruitment strategy in order to get the interest and cooperation of members of the LGBT community. One of the main strategies for recruiting in the urban areas involved partnering with Community Marketing, Incorporated (CMI), a San Francisco-based LGBT marketing group with over 15 years experience conducting qualitative research in this population. This specialized group developed, maintains and continues to grow a research panel of more than 50,000 LGBT consumers throughout the United States. Recruiting in the urban areas started by inviting the panel members who reside in the selected locations to complete the screening interview, and if eligible, they were asked to participate. In addition to this database, the project placed half-page recruitment advertisements in various LGBT print media in each of the selected urban areas. In each of the urban areas, the focus groups were conducted in professional focus group facilities known to be welcoming to the LGBT community. All observers could unobtrusively view the groups from separate rooms looking through two-way mirrors. All of these sessions were both audio- and video-recorded.

Several different approaches were needed for recruiting in the rural areas, all of which involved identifying and navigating through often-hidden community networks. The recruiting staff as well as the focus group moderators themselves made repeated personal contacts with leaders in the Metropolitan Community Church (founded explicitly to provide spiritual services and ministry to LGBT congregations); Unitarian Universalist churches (some of which are “welcoming congregations” for gay and lesbian

individuals); local gay bars; and bookstores and restaurants known to be gay-friendly in the local areas. Contacts were made by phone, email and even in-person visits in order to increase trust and enhance the perceived safety of agreeing to participate. For the rural areas, all sessions were conducted in the informal-but-safe-setting of the MCC or Unitarian church. In these sessions the Census Bureau staff and team methodologists sat in the sessions along with participants, and sessions were audio but not video-recorded.

For the opposite-sex groups, ads were posted on Craigslist (both English and in Spanish) and an email announcement was sent to addresses from the Houston focus group facility's database.

Protocol and Moderator's Guide

A major goal of the focus groups was to identify the "natural" terminology used by same-sex and opposite-sex cohabitating couples, and to ascertain what terms they deemed most appropriate when completely survey questions for the Census Bureau.

The moderator's guide for the focus groups was developed to expand on previous research information. Participants were first asked to describe how they introduce their "better halves." Next, they were given a paper questionnaire resembling the Census 2010 form⁹ and were asked to complete it for everyone currently in their household (Attachment A). Participants were instructed to complete the form as if it were an official Census document and had arrived in the mail. No discussion or questions were allowed during this task.

This was followed by a discussion of how they answered the questions and their reactions to a variety of other terms, some of which were explored in previous research. Following the discussion of the relationship question, participants were given a paper copy of the marital status question from the ACS and asked to complete it for themselves and their partners (see Attachment B). This naturally led

⁹ The form included name, relationship, age, and gender but did not include the race and Hispanic origin questions.

into a discussion of the concepts and terminology in the question. These two questions were completed separately to facilitate an independent discussion of the two concepts.¹⁰ After completing the two questions, the moderator probed specifically whether participants perceived the form to be asking about legal relationship/marital status between Person 1 and Person 2 or something else.

In addition to providing information about their own personal situation, participants were asked to provide information about hypothetical scenarios to allow us to obtain data about a wider range of situations. We wanted to learn how all participants would respond to scenarios such as domestic partnership and civil unions, legal marriages performed outside of a person's state of residence, and common law marriages, as well as how the duration of a relationship would affect their answers.¹¹

Results

We structure our findings by delineating discussion points according to the legal relationship status of the same-sex couple respondents, the same-sex legal recognition of the state in which couples resided, and by the opposite-sex couple unmarried groups. While there was certainly not 100% consensus across homogeneous groups, after reviewing the summaries this approach made the most sense compared to contrasts along other recruitment variables such as gender, length of relationship, presence of children, age or education. Our analysis suggests that these variables did not influence how participants interpreted the meaning of different relationship terms.

Terms Use to Describe Partners and the Relationship Question

One goal of the focus groups was to understand terms naturally used to introduce same-sex partners.

¹⁰ This goal was achieved for the relationship question. However, the discussion of the marital status question appeared to be affected by the preceding discussion.

¹¹ The use of hypothetical situations did not always yield useful information. Many of the groups found it too difficult to answer given the situation presented and often, participants got hung up on definitions of things like civil unions and common-law marriage.

Accordingly, we asked participants to indicate how they would introduce their “better half” to the moderator. We found that gay and straight participants often used the same terms of introduction:

- “I would describe her as my wife.” (Hou Opp Sex)
- “I refer to him as my husband.” (Same-sex Topeka, no legal certificates)
- “I introduce my partner as my partner.” (Same-sex GA – woman, no legal)
- “I’ve been with my partner for about two years.” (Hou Opp Sex)
- “I would refer to him as either partner or boyfriend.” (Same-sex SF)
- “She’s my girlfriend.” (Opposite-sex SF)

Perhaps not surprisingly, opposite-sex participants were more likely to introduce their partners as “fiancé” if they were engaged; but some same-sex participants who had made plans to get married also said they would use this term of introduction. These terms are very similar to those noted during other qualitative interviews with cohabitating couples (see Hunter, 2005; Manning and Smock, 2005).

One important finding from these discussions was that, particularly for gays and lesbians, participants’ use of reference terms was not static, but instead was conditional upon their assessment of the context. For example, in situations where the respondent was in a familiar social surrounding that included friends (often other gay people), they might use the term husband or wife (“I’m not worried about losing my job, so she’s my ‘wife’”). However, in situations that were deemed a little less accepting, a different term such as “partner”, or even the non-committal “friend” might be used.

- “How would I introduce my partner? It depends on the setting. If it’s this setting, I would say, ‘my partner, NAME.’ If it’s outside, ‘my good friend, NAME’ or ‘uncle.’” (Rural GA)
- “It depends. If it’s family, it’s ‘wife’. If it’s like in school, a social environment, or work, it’s ‘spouse’ because everyone’s more ok with that term.”... ‘Dependent’ is

the one I used at work – I hate that. If ‘spouse’ is on there, I’ll mark ‘dependent’ and ‘spouse.’” (SF women)

Opposite-sex participants made similar decisions, based not so much on the perceived “threat” of the context, but rather the relative importance of the document or the situation:

- “I think it sounds more important to put husband or wife than to put boyfriend or girlfriend. Depending upon that paper and how important that paper is...” (Hou Opp Sex - individuals)
- “It depends upon what forms. If anything, I would put her down as my wife. If we were out in public I would refer to her as my wife. If it’s appropriate. If it’s not appropriate then we don’t. We’re just a couple. Sometimes it’s to your advantage [to put wife].... Most bureaucratic things – government things, ...anything to do with any kind of welfare situation. Sometimes it’s a medical thing and they ask if you’re married, well for all intents and purposes you are.” (Hou Opp Sex Couples)

Several participants across groups expressed distaste and even avoidance of the term “wife.” These women viewed “wife” as too heterosexual-normative, derogatory, and even subservient. These participants may share the feminist notion that marriage is an outdated patriarchal institution that should not be copied by same-sex couples (Jeffreys, 2004). Alternatively, some of the opposition to the term “wife” came from women coming out of heterosexual marriages – these women expressed distain as in “I’ve been a wife before and I won’t be a wife again.” These women tended to use “spouse” or “partner” or avoid any kind of label and instead introduce partners by name only. Others, however, were happy and comfortable with the term “wife” and in fact, preferred it because it made the point to strangers that they are married to a woman. The latter sentiment seemed to apply more to younger participants (e.g., under 30) perhaps because the option of same-sex marriage is not such a new construct for them and they view marriage as a possibility early in their lifetime. For example one participant commented “that is something that could happen. We could be really soon. We just go to my home state, Vermont, and get married.” For this cohort, the idea of following a traditional path to

marriage starting with a proposal and followed by engagement is not as foreign as it is for older same-sex couples still adjusting to the possibility of same-sex marriage. These younger women seemed eager to embrace marriage and some were excited to reclaim the term “wife” and apply it to the less traditional lesbian couples. We did not conduct any groups among males in same-sex marriages so we are hesitant to generalize these conclusions beyond the female groups.

After indicating the terms used to introduce partners in different circumstances, the moderator spent time discussing how participants had completed their mock forms and why they had selected the categories they did. When asked to complete the current ACS/Decennial Census relationship question, answers for those in a same-sex relationship were predicated largely upon both their current legal relationship status *and* the same-sex recognition of the state in which they reside.

For example, answers to this question were cut-and-dried for the group of males in same-sex couples that had no legal recognition but who lived in Massachusetts where same-sex marriage is allowed. Because they can be married (but choose not to), they closely resembled their straight counterparts who cohabitate but remain unmarried. All of the participants selected “unmarried partner” and there was little ambiguity or discussion about their selection and the reason was simple: “it’s appropriate especially here in Massachusetts where you *can be married legally*” (emphasis added). For the most part, this also describes how the opposite-sex participants chose to describe their relationship status. In the vast majority of cases, “unmarried partner” was checked, but not always. In a few cases, husband/wife was selected. In at least one case, this occurred when the person was engaged and going to be married very soon. In at least one other case, the participant reported not seeing the “unmarried partner” category toward the end of the list. Nonetheless, for the most part, the current Census relationship question appears to work with little measurement error for both heterosexual unmarried couples and homosexual couples without legal recognition who *reside in a state where*

marriage is allowed. The primary reason for this is that the availability of same-sex marriage creates an “even playing field” for both same-sex and opposite-sex couples and thus provides a similar set of expectations and interpretations of the terms “husband/wife” and “unmarried partner.”

Answers to the relationship question were also consistent for the same-sex couples in a registered domestic partnership or civil union. These participants overwhelmingly chose “unmarried partner” to describe their relationship status. However, there was an undercurrent of dissatisfaction with the current categories since the current intimate partnership categories are all “marriage-centric” (e.g., husband/wife and unmarried partner) and do not include alternatives such as “domestic partner” or “civil union partner”. This notwithstanding, the current categories generally worked for this subgroup. We do note, however that both of the domestic partnership groups were held with male participants, so we stop short of generalizing these conclusion to same-sex female couples in the same legal status.

Finally, “unmarried partner” was also the most frequently selected relationship category among those participants in same-sex relationships who did not have any legal relationship recognition (from anywhere) and who reside in a state that does not recognize same-sex marriage. However, this group undoubtedly expressed the most anger and frustration over the current relationship categories. For example, “I wanted to say a committed partner, a life partner or something else. But this was the closest I could get.” Many indicated that they were tempted to select “husband/wife” and indeed felt that this category much more closely described their current relationship with their partner as in “yeah, I was saying my heart response was immediately like ‘wife’.” However, when pressed if they interpreted the question to be asking about a legal relationship status or something else, most interpreted it to be asking about legal relationship status as in a state-sanctioned/legally recognized marriage. As such, many expressed a desire to check the spousal category but interpreted it as “does not apply”.

We had four married persons in other locations where the states neither granted same-sex marriage licenses nor recognized same-sex marriages from other jurisdictions. All four of these individuals (two women, two men) also marked “husband/wife” for the relationship question. In one section of the protocol, the moderators asked all participants, “If you had a legal marriage from [California], but lived in a state where your marriage was not valid, how would you respond to the relationship question?” Most participants said they would mark “husband/wife,” regardless of the fact that neither their state nor the Federal government would recognize the legality of the relationship:

- “Who cares if the state you’re living in doesn’t recognize it?” (Topeka)
- “Oh, I would check off [wife], absolutely. I don’t care if it would make everybody pissed off, and I really don’t care if it wouldn’t be recognized where I’m at. I don’t care if I was in Antarctica, I would say wife, absolutely.” (RURAL 2, GA)
- “I would still check husband or wife. As far as I’m concerned, I’m legally married, I don’t care what the federal government thinks.” (FL Men)

A few, however, said they would *not* mark husband or wife, precisely because they would not have legal recognition in their state of residence. Again, some quotes to illustrate this position are included below:

- “That’s one of the reasons we’ve held off getting married, because I’m on hold, waiting to hear if I have to move to Chicago...we get married here, the state of Illinois wouldn’t recognize it...what would be our legal status?...I don’t want to be some legal test case they write about in The Advocate, you know, like the two women in Texas trying to get divorced, because they were married here [in Massachusetts] but they’re trying to separate in Texas.” (BOS Men)
- “If it’s state-dependent, saying you were married, it would be useless in Georgia, because it’s not recognized here. But if you were in Massachusetts, it would be perfectly fine, I’d be like, yeah, married, wife and wife.” (RURAL 1, GA)

Yet still others were unclear on how they were “supposed” to answer the question, given both the lack of recognition in their home state, as well as the lack of recognition at the Federal level. The first quote below is from one of the married women in Boston who had readily checked “husband/wife” in the opening exercise:

- “I think I would spend a lot more time thinking about what I wanted to do if I lived in a state where I wasn’t legally married.” (BOS women)
- “How are you supposed to fill it out, is it based on the states? ...I guess I would put married to a Canadian [his partner is from Canada]. (laughter) I don’t know...” (RURAL 1, GA)

While our data suggest that most of our participants would mark “husband/wife” even if their Massachusetts marriages were not recognized in their states of residence, there were enough equivocal responses that this remains somewhat an open question. If the Census question is asking about a legal relationship, when is a “legal marriage” not legal?

Finally, there were participants who indicated they would select “husband/wife” although not legally married or in any type of legally recognized relationship status. When pressed why, answers varied. Some indicated that the term fit best because they consider their relationship to be equivalent to a conventional heterosexual marriage in that they are in a committed long term relationship, share a home, and have their partner indicated as primary beneficiaries. These individuals did not perceive the question to be asking about a legal or government recognized relationship but rather “a description of what I perceive my relationship to be.” Another common denominator appeared to be having been joined previously in some type of non-legal Holy Union or commitment ceremony witnessed by friends and family. Prior to the 2004 Massachusetts law, such ceremonies were the only option available to couples from somewhat older cohorts who wanted a publicly witnessed ceremony or celebration. Since new options have sprung up, such ceremonies are somewhat outdated and becoming less popular. But

for those couples together well before 2004, these ceremonies are a point of reference for publicly signifying their committed relationship and as such, “husband/wife” may feel more appropriate than unmarried partner. As one such participant explained “as far as I’m concerned, in the eyes of God, I’m married...and everything that entails. So maybe the government doesn’t accept the fact that we’re married, I am, in my belief system, I am married.” We based this observation only on a few participants in this situation, but consider it a hypothesis worthy of further empirical examination.

For the most part however, persons in same-sex couples without legal recognition residing in areas that do not recognize gay marriage indicated willingness to select “unmarried partner” because it was both legally accurate and the word “partner” was an adequate description of their relationship. Persons in opposite-sex couples overwhelmingly selected the unmarried partner category to describe relationship and there was little cause for discussion about it. All interpreted husband and wife to refer to legally married partners, therefore the terms did not apply to them. There were, however, three cases where women selected the term “husband” to describe their partners -- these women were either engaged to be married within the month or were in a common-law marriage as defined by their current or former state of residence.

Alternative terms for relationship category?

Following a discussion of how participants marked the current ACS/Decennial relationship item, the moderators presented several alternatives including: spouse, partner, same-sex partner, domestic partner, boyfriend/girlfriend, significant other, and housemate/roommate. Because the presentation of alternative terms followed an in-depth discussion of the current categories and terms commonly used to describe partners, many of the alternatives had been discussed as part of the earlier discussion.

Interestingly, some of the terms that participants said they commonly used (“I introduce her as my

girlfriend”, “He is my partner”) were received less favorably during this discussion. Ultimately the discussion revolved around what terms were seen to be “appropriate” for a perceived legal form such as the Decennial Census.

“Partner” as a category got mixed reactions from the gay groups. Some felt it required a qualifier to work, as in “committed life partner” or “same-sex partner.” Without it, some felt it was nonspecific and could be construed to mean a business partner or some other non-intimate partnership status. For opposite-sex couples many voiced the opinion that “partner” was a moniker primarily used to describe gay relationships. One participant explained “when I hear partner, I think of my gay brothers and sisters” while others equated the term to mean “same-sex partnership or relationship.” This interpretation was voiced across all of the opposite-sex groups and for this reason, most indicated they would not prefer simply “partner” as a category.

In general, the term “spouse” was positively received by most participants in same-sex couples, particularly those participants who had bristled about the “heterosexual” sounding terms husband and wife. Couples who were legally married liked the gender neutrality of the term while others who had no legal recognition commented spouse seemed less legal sounding compared to husband/wife. But not all agreed. Some gays interpreted the term spouse to infer legally married just like husband/wife. This was also the case for the opposite-sex couples who viewed the term as redundant with husband/wife and a term used to denote only legally married couples: . “[It] feels like [a] married name – it means the same thing as husband or wife.” Unlike some same-sex couples, the opposite-sex couples almost unanimously rejected this category as an accurate way to describe their relationship to one another.

The groups were split on their preference for categories that explicitly delineated “same-sex” and “opposite-sex” partners. Interestingly, the gay participants seem to fall into two camps – one very much liked the idea of seeing “same-sex partner” on a government form. These people believed such a

category would yield a more accurate count of same-sex couples and they were excited at the possibility of raising the visibility of same-sex couples. However, others from the LGBT groups were not convinced such delineations were necessary. These participants pointed to several facts. First, that the delineations were unnecessary since gender is also captured on the form. Same-sex couples could be counted using the relationship and gender questions together during data tabulation. Other gays and lesbians who were in favor of marriage equality also did not prefer gender differentiations in the partner category. As one woman put it “I’m a lesbian, I’m married, and I’m proud of it, why would I check [same-sex] partner?” There were also participants who initially supported the idea of a same-sex partner category, but then noted that they knew plenty of friends who would not mark that response option out of fear:

“I believe, I *know* there’s still some people that wouldn’t check it. I know – some of our best friends have been together for 40 years and I know they would not check it. They would no way in hell check that. Because they are so closeted. And I know for me at my age the people that are 10, 15 years older than me, a lot of them have always been closeted and that’s just how they are.”

The opposite-sex couples also felt the distinction was unnecessary and for some, not appropriate on a government form. Overall, the opposite-sex groups were not in favor of this alternative.

With the exception of same-sex couples who were in a legally registered domestic partnership, the term “domestic partner” was not favored by the participants, opposite and same-sex groups alike. For some, the term conjured up negative connotations like “the maid” or “my domesticated servant”. Conversely, for couples in such a partnership, this category was familiar and exactly the term they were searching for. Several expressed concern that unmarried partner, while the closest term available to describe their relationship, and was not adequate because the “unmarried” part denied the official status of their relationship. As one participant stated “I don’t ever mark things that I don’t feel are

adequate so I wrote in domestic partner. The unmarried partner designation doesn't quite apply, there just seems something wrong about it."

The term "significant other" met with lukewarm response in most groups. Some viewed the term a decent choice if nothing else was offered but others felt it was outdated or used primarily as a politically correct term for opposite-sex couples who live together. Still others were unclear what the term really meant and said they would find it odd to see on a government form. The term "housemate/roommate" was overwhelmingly decried as inappropriate to describe relationship status for both same and opposite-sex couples. Participants suggested this term does not denote any emotional significance and almost unanimously, same-sex couples rejected it outright. "It's a lie. I mean, she's not my roommate, she's never just been a roommate, so why tell people that?" and "...depending upon where you live...you used to have to say housemate or roommate. But in this date and time, we just skip that [roommate/housemate] real fast because my partner is my partner." This opinion was repeated often in the early groups so little discussion was devoted to it and, in fact, it was not introduced into discussion in some of the later groups.

The term "boyfriend/girlfriend" did not fare well among any of the groups, gay or straight. There were several stated reasons for this: First, participants who were older felt that the term was inappropriate for the stage of their relationships:

- "It's too suggestive of a casual relationship, rather than a serious one." (SF Men)
- "It doesn't sound like a serious- like, 'I have a new boyfriend or girlfriend.' It's like a two-month kind of a deal.' (HOU Opp Sex)

Secondly, many felt that it was a term that is used by much younger people:

- “That sounds high school-ish. At a certain point you don’t call somebody that. We’ve gotten kind of old to introduce her as [that].” (HOU Opp Sex)
- “We’re not fifteen!” (Augusta, GA)

Finally, although there were a couple of isolated requests for what one participant called “a girlfriend category” on the Census form, gay and straight participants generally viewed these terms as inappropriate for an official document:

- – “It seems like they would not take you very serious on the Census – boyfriend, girlfriend, people break up all the time. You could be my girlfriend one day, and then ‘This is my girlfriend. I guess I messed up on the Census yesterday.’” (Rural 2, GA)
- – “I think it sounds more important to put husband or wife than to put boyfriend or girlfriend. Depending upon that paper and how important that paper is...” (HOU Opp Sex)

Marital status

The marital status question as it was addressed during the focus groups presented a host of challenges for the participants and, by extension, the analysts. One of the most significant difficulties was that we were unable to get a “clean” reaction to the question since participants were asked to complete this question after 45 minutes of discussion on the relationship question and *its* challenges with respect to same-sex partnerships. As an example, one participant who had marked “unmarried partner” for the relationship question marked “now married” for the marital status question, explaining her reasoning as, “I just wanted to take a stand.” Her response was not an isolated event, as suggested by the following comment from a woman who has no legal certificate for her relationship, but marked “now married” for this question:

“... Typically when I check these forms I always put that I’m single, because that’s the legal category that I fit into. Neither one of us has been legally married before. But tonight I sort of, I’m saying this isn’t a legal document – I mean I feel like it’s more about what do I consider myself, where do I best fit in to what they’re giving me? Not so much what is the legal truth. So I put now married on both, but I don’t think that I would have had I not come here tonight and had the conversations about [does Census] really care what’s legal or not....”

Thus, it is necessary to note that the context in which discussions were observed may not generalize to the situation of responding to a form mailed to a respondent’s house.

While we must take into account the effect of the discussion on some participants’ responses, there are other patterns in their selections and subsequent discussions that merit attention. First, a general pattern showed itself: legally married same-sex couples reported themselves as “now married” regardless of where the marriage took place and whether or not it is recognized in the place the participants live. This included the 29 married women in jurisdictions where same-sex marriage is recognized, and the four married participants in other jurisdictions, who were married in California, Massachusetts, Connecticut, and even Canada. They felt that if they were legally married anywhere, then the ‘now married’ category applied regardless of the local laws on same-sex marriage. “We have a certificate, so we are married.” There was some discussion about the fact that the marriage is recognized in the state but not by the federal government and the census is a federal form. This did not, however, affect their decision to record themselves as married.

With very few exceptions, opposite-sex participants – who have the option to marry regardless of where they live – and same-sex partners in Boston who had no legal status (but who have the option of getting legally married in Massachusetts) marked “never married” or “divorced.” This included several opposite-sex couples who reported that they were engaged to be married. This question seemed very straightforward to them. [I gave that answer] “cause we never got married. We’ve never been married

– that’s a plain answer. That’s what it is!” A respondent marked more than one box, because he had been both widowed and divorced from different partners.

By marked contrast, the marital status question did not work well for participants from same-sex couples without legal recognition who live in areas where marriage is not allowed. The question was viewed as “marriage-centric” and participants did not see a category that recognized their status. Most marked “never married” or “divorced” (from a heterosexual spouse). They clearly expressed the reasons for their frustration¹²: They felt that the category “never married” does not reflect their lives, and as a result they felt personally discounted.

- “These questions totally negate me.” (Rural 2, GA)
- “I’ve been with this person for over 20 years and none of these really fit.” (Florida, women)
- “I can’t answer...this would be a blank. I couldn’t answer it because ‘now married’ would be ... false in every sense, so I couldn’t do that. I get no satisfaction out of answering that. And ‘never married’ is utterly false to my heart. So I consider this unanswerable. This is one of those forms where no appropriate answer is provided.” (Rural 1, GA)

In addition, participants who had been divorced in heterosexual marriages that had been brief and occurred many years ago felt frustrated by the fact that their marital status was defined by a previous relationship that was unimportant compared to their current relationship. (This sentiment was also expressed by members of opposite-sex unmarried couples).

¹² There was at least one notable exception to this frustration, a younger participant who viewed herself as “not yet ready for marriage.” She had been with her partner 18 months and marked “never married” for both of them, commenting: “I wish there were better options, but I’m not that strong [about it], because I’m 22 and she’s 19, so ‘married’ is not very applicable to our situation.” Her comment was suggestive of those made by young/newly paired participants with respect to the “unmarried partner” relationship category, which was seen by some of those individuals as wholly appropriate to their current situation (see page __ reference this).

What was stated during these discussions was that asking for “marital status” from individuals who cannot legally get married is yet one more way in which society denies the existence of same-sex, committed, often long-term relationships. The ubiquitous request from participants to change the stem of the question is summed up in the following individual’s comment: “I still would like the question to say *relationship* status... because marital assumes you *can* get married.” Participants also offered suggestions for additional categories that more accurately reflect their relational situation. These included “committed same-sex relationship” and “committed relationship.” The former provides recognition that the relationship is the equivalent of marriage but because of the law they cannot get married.

Some participants without legal recognition who live in areas where marriage is not allowed reported themselves and their partners as married. In many cases these responses were in conflict with the responses they had given to the relationship question. The reasons cited most frequently were that the participants had been together for so long that they think of themselves as married, and that they had church ceremonies or holy unions. However, not all participants who had holy unions and commitment ceremonies reported themselves as married. In fact, the majority of participants, including many who had had such ceremonies, did not consider them to be marriage equivalents.

For participants who were in domestic partnerships, the results were somewhat mixed. They did not see a category on the form that fit their situation, and they responded in different ways. The majority reported themselves and their partners as “never married.” They recognized that the domestic partnership status is not equivalent to marriage, and did not feel it was appropriate to mark the married category. However, some participants -- particularly those with local county domestic partnerships in states without state-wide recognition -- reported themselves as ‘now

married.’ Another reason for marking the “now married” box was a streak of rebellion because none of the other categories fit the participants’ status.

A small number of participants took a different approach. They either left the question blank or wrote in “none of the above” to indicate their views that the response categories were not relevant to them. “If you want accurate information then give me the choice to give you that information. If you’re failing to get that information then the Census is not going to be correct to begin with, it’s going to be skewed.”

Several participants noted that they would like to see a category for domestic partnerships and civil unions. There were also many comments about the use of the term “marital status.” Participants felt that if the question asked about legal relationship status (and most thought it did), it could accommodate a response category for domestic partners.

As noted previously, the marital status question was administered after a lengthy discussion of the relationship question. The marital status question in the ACS appears quite a bit later in the questionnaire (after the initial set of 2010 Census person-level items and after the housing questions). So issues of consistency in reporting between the two questions were exacerbated in the focus group situation. The inconsistencies came into play in two situations. The first is when a respondent reported her partner as her husband and then reported her marital status as “married” because she wanted to be consistent. The second was when an engaged respondent reported her partner as her husband, and then reported her marital status as “never married.” Overall, inconsistent reporting between questions was not a serious problem.

Participants in opposite-sex relationships commented on changing the wording of the question only in response to a moderator’s question about their relationship status, and then they opined that asking about relationship status would be good. And they offered other options for inclusion as

response categories that reflected non-marital living situations. One suggestion was “engaged.” Other people wanted something to reflect their current situation. “You’ve gotta put something more...something more...something that can describe your marital status a little bit better. You’ve got a window here that’s not presented, maybe something should be added. Like you’re ‘with somebody’ or ‘in a relationship’ or ‘common law.’” Other suggestions included “legal domestic partnerships,” “legally unrecognized relationship,” and “lifetime partner.”

A factor in how participants responded to the marital status question was whether they thought the question referred to a legal status or not. In almost all groups, discussion spontaneously evidenced a sentiment that it does refer to a legal status. Even without an inquiry from the moderator (which came later) the vast majority of participants reported that it was a legal request. Participants in same-sex relationships who lived in areas where marriage is not legal were unhappy about marking “never married” but did so because they perceived it to be asking about legal status. Some people chose to ignore the fact that it was asking for a legal status because there was not a response option that accurately reflected their situation. And a few people, such as the participant quoted at the beginning of this section, thought it was asking for something else, their perception of their relationship status. In the opposite-sex groups, almost all the participants thought the question was asking about a legal status. Discussion of religious ceremonies (handfasting was one that was mentioned) generally were not viewed as legal marriage equivalents, but there was a small bit of disagreement with this. Participants who lived in places where marriage was legal, whether or not they had chosen to get married, almost unanimously felt that the marital status question was asking for their legal status.

As a general summary of the results of the marital status question, the question works best for people with no legal recognition in places where marriage is recognized. It worked quite well for participants who were legally married and just okay for participants who were in domestic

partnerships. It worked okay for opposite-sex couples, and was most problematic for same-sex couples without legal recognition who live in areas where marriage is not allowed.

Conclusions and Summary

We attempted to better understand how persons in same-sex cohabitating relationships label their partners and their relationships and the terms they select and why. Taking that one step further, we examined how same-sex couples select categories currently available on the decennial Census and ACS forms. We learned from the focus groups that these terms are not fixed – they greatly depend upon the context of the situation. It may depend upon the audience (gay or straight?) or the situation (formal or informal?) or, within the context of filling out a form, upon the categories presented on that form. So, a “wife” among friends is a “roommate” when the cable repairman comes to the house. Likewise, “single” on a flex insurance health plan at work becomes “married” on a Census form.

The focus groups conducted for this project provided insights into how gays and lesbians select terms and labels in one particular instance, namely, when filling out an official Census survey or form. We learned what participants selected and why in the context of *that particular* federal form (as opposed to a different agency with a different purpose such as an IRS form). We learned that participants perceive the Census forms to be asking mostly about *legal statuses*. Thus, although they may use terms like “boyfriend” to introduce, they do not necessarily expect to see it on a Census form.

The 2010 Census form itself does not contain any explicit instructions on how to complete the relationship item. However, a U.S. Census Bureau Frequently Asked Question factsheet directed toward the LGBT community stresses that Census data are based on how individuals and couples *self-identify*. It states that same-sex couples who are married or consider themselves to be spouses, can identify one other adult as a “husband or wife” while other same-sex couples may instead decide to use the term “unmarried partner” (see: <http://2010.census.gov/partners/materials/outreach-materials.php>). For the

ACS, an instruction guide is mailed out along with the questionnaire. For relationship, the guide indicates that if a person is related to Person 1 but is not the husband or wife, then “other relative” should be marked. For marital status, the instructions say to mark “now married” for a “married person” but the guide does not specifically define marriage as a legally recognized union (<http://acsweb2.acs.census.gov/acs/www/SBasics/SQuest/SQuest1.htm>). We reference these guidelines and instructions here not to suggest that respondents usually consult or follow them, but rather to gain a better understanding of the measurement goals of the current Census question given the current legal ambiguities surrounding same-sex marriage.

It is interesting to note that even within LGBT advocacy groups there is no consensus on how to answer the relationship and marital status. For example, the Human Rights Campaign website instructs LGBT couples who are married to check “husband or wife” on the census form while other same-sex couples should check “unmarried partner” (<http://www.hrc.org/12634.htm>). Another group specifically formed to educate the LGBT population about the 2010 Census (Our Families Count) recommends that same-sex couples who consider themselves as spouses or married should mark “husband or wife” and married couples should also mark “husband or wife” – even if the home state doesn’t recognize the marriage (<http://ourfamiliescount.org/form/>). A final example comes from Equal Rights Washington, a LGBT advocacy group in Seattle where the executive director was quoted as encouraging same-sex couples (including registered domestic partners) to “do what’s in your hearts” and check the “husband or wife” box if they see themselves and spouses, even if marriage isn’t the term they use to describe their relationship” (Turnbull, 2010). These examples help frame the complicated and sometime conflicting perceptions of the construct of marriage as it applies to same-sex couples today.

In reality, we saw rather limited variance in how our participants answered the Census relationship and marital status questions and we believe this can largely be explained by the legal status “prism”

through which the form is viewed. With this in mind, we draw four conclusions. First, a legal marriage trumps local laws, at least for participants who had a legal marriage performed somewhere.

Participants who had legal marriages (the 29 married women in jurisdictions where same-sex marriage is recognized, and the four married participants in other jurisdictions) offered consistent and non-problematic responses: “husband or wife” and “now married.”

Second, where marriage is legal and couples choose *not* to be married, the response options are clear and have very little emotional impact. “Unmarried partner” worked fine among the LGBT couples in states where they could be married and also worked fine for straight couples who, similarly, had chosen not to be married. The reason is simple: the option is equally available to both but both choose to remain unmarried.

Third, participants in groups outside of those jurisdictions (e.g., Houston, Florida, Kansas, Georgia) took exception to the marital question itself – no matter the length of their current relationship, their marital status was either “never legally married” or some reflection of a previous, heterosexual lifestyle (e.g., divorced, widowed). The frustration was evident in their comments, such as “These questions totally negate me” and “This question does not reflect my life.” Although the majority of responses were technically correct, participants expressed frustration with their current, often long-term committed relationships not being accounted for at all by this question. The consistent request was for the question to be edited to ask, “What is your current relationship status?” and include response options that measure long-term committed relationships between same-sex couples in jurisdictions where they are not allowed to marry legally. This lack of response options means that functionally equivalent relationships (and households) that exist in two different states could be enumerated differently by the Census Bureau because the current ACS questionnaire only collects information about *marital* status. We refer to this henceforth as a “functional equivalence problem.”

Fourth, for participants who have some other types of same-sex legally recognized unions (domestic partnerships) the responses for relationship were also consistent (unmarried partner), but the options available do not allow respondents to demonstrate that there is a legally recognized civil component to the union. In this respect, government statistics are missing some of the terms and language that may be needed going forward. This is particularly true in places that provide same-sex couples with legal recognition that, in some cases, is intended to confer the same rights and responsibilities as marriage, but absent that name. Civil unions and domestic partnerships were at one time viewed as the “gay marriages” – this was true in Vermont, California, and the District of Columbia around the year 2000, for example, well before Massachusetts enacted legislation that permitted same-sex couples to become legally married. More recently, the debate over gay marriage has been explicitly around the term “marriage” – some jurisdictions, such as Nevada, constitutionally forbid “marriage” between same-sex couples, but is allowing “domestic partnerships” that reputedly confer all the same rights and benefits as heterosexual marriages. The current marital status question is unable to account for these types of legal relationships, which may become more problematic if additional states enact compromise legislation in the same vein as Nevada.

Recommendations for future testing

Relationship Question

Building upon our four main conclusions, we outline some broad principles for testing going forward. We offer them with this caveat, however: the laws surrounding recognition of same-sex couples are extremely fluid and changing almost daily. As such, our recommendations may become quickly dated so readers should assess the current legal environment when considering the following.

Our discussions with same-sex couples raise an interesting issue for the Census Bureau and other federal data collection agencies especially where future testing is concerned. We discovered that the

majority of participants interpret the Census items to be measuring a legal construct where relationship and marital status are concerned. Toward this end, it is conceivable to think of ways the current items could be revised to clarify and attempt to resolve ambiguity around this notion. However, the participants also clearly demonstrated a desire that a different construct should be measured – one that is more “social” and less legal. It is much less clear how federal agencies can or should begin to measure this concept, e.g. “long-term committed relationship.”

To reinforce the legal notion, we suggest that alternative versions of the relationship question should consider encouraging the selection of the “husband or wife” category by only those with a *legally recognized* marriage. 2010 Census data are based on how individuals self-identify. This includes same-sex couples who live in jurisdictions where same-sex relationships may not have options for legal recognition. Consequently, respondents are free to select “husband or wife” to describe partner relationships outside a legal marriage. However, for program reasons, statistical time series, and other vital statistics, it may be desirable to keep this category as “clean” as possible and not introduce non-married respondents into the measurement. We believe this can be achieved partly by adding new categories that capture new marriage-like relationship statuses introduced within the last 10-15 years. These could potentially include categories such as: “domestic partner,” “civil union partner,” “civil union or domestic partner,” “legally registered civil union/domestic partner” and so on.

We also believe this can be encouraged by adding other categories that seem appropriate for those with relationships that are emotionally and functionally equivalent to “husband or wife” but without any legally recognized status. When introducing such categories, it may be necessary to modify the terminology or placement (or both) of the existing non-legal category (unmarried partner) so that the census can capture relationships that are functionally equivalent to a marriage but without the legal

recognition. Such examples include “unmarried partner,” “partner/boyfriend/girlfriend,” “partner/significant other,” and so on.

Another recommendation for testing is to list the intimate partner categories (legal or not) in close proximity to each other so that functionally equivalent relationships appear together in the list. Currently, on the decennial Census form, the only other intimate partner category besides “husband or wife” is unmarried partner and it is next to last in a list of fourteen while “husband or wife” appears first. The simple act of moving up this category could encourage nonmarried couples to select something other than “husband or wife” by providing an acceptable alternative earlier on.

Finally, the legal aspect of the relationship question could be further emphasized through the wording of the question stem, instructions, and the response categories themselves. For example, an instruction could be added to indicate “select husband or wife only if legally married” or the categories could reiterate legal status as in “legally married husband or wife” or “legally registered domestic partner” or “partner without legal recognition.” Obviously, these would require cognitive testing to gauge reaction to categories that so obviously delineate between legal and non-legal status.

We also suggest testing the term “spouse” as either an addition to the “husband or wife” category or in replacement of that category. Spouse was viewed favorably by most same-sex couples (legally and non-legally recognized alike) but it is not clear without further testing whether it might help or hinder efforts to encourage the selection of a legally married category only for those legally married. In fact, just the opposite may occur. We did not get a clean impression of how that term might be used or interpreted, especially among the opposite-sex and our Spanish speaking groups. Thus, it seems testing the term as its own category, as part of the ‘husband or wife’ category, and without the term at all could provide additional information to help understand the term and who uses it for what purpose.

Lastly, we did not come away with the sense that adding gay or straight descriptors to the relationship categories (e.g., “same-sex partner”, “opposite-sex partner”) would help with the classification. The participants did not universally indicate this delineation was important to accurately capture their status, nor did making the distinction help clarify the legal aspects of their relationship status. However, the participants did discuss the separation of same- and opposite-sex categories and while we didn’t observe from our participants that making the gender distinction clarified the selection, the fact that the discussion arose in each group without a specific prompt from the moderator suggests some benefit to further exploring methods for linking gender to the relationship question. For example, one could test whether placing the gender question just prior to the relationship question has any effect on the response to the relationship question. Currently, it immediately follows the relationship item on the decennial Census form.

Marital Status question

The main point coming out of the focus groups was resentment from unmarried same-sex couples that the current marital status question does not allow them to record their current relationship situation in any fashion. A critical point to be made, then, is that if statistical agencies need to enumerate households to be functionally equivalent, then the terms measuring these constructs must account for federal and local variations in policy and they must find a way to crosswalk between them. Since almost all participants interpreted marital status to be asking only about legal marriage, the tabulation of the “now married” category is almost entirely an enumeration of couples who have legally wed, but does not reflect the many more same-sex households in “marriage-like” situations around the country.

To preserve the current marital status measurement and still address this issue, the Census Bureau would likely need to ask more than one question, separating the measurement of most recent legal

relationship status from current cohabitation status. This is not an easy task but one might approach it by first asking about current cohabitation status followed by a list of cohabitation possibilities including “living with legally-married spouse,” “living with registered domestic/civil union partner,” “living with partner - no legal recognition,” “living apart from married spouse/registered partner,” “not currently in a cohabiting relationship.” This question could then be followed by a question inquiring about current legal relationship status that would include traditional marital status categories (e.g., legally married, widowed, divorced) along with those reflecting new categories of recognition (e.g., in a registered domestic partnership/civil union, never married or in domestic partnership or civil union). Allowing unmarried same-sex partners to record their cohabitation status *before* they encounter marital status could reduce misclassification similar to that seen for the Census race and Hispanic origin questions. Extensive testing of these questions indicated that by asking Hispanic Origin prior to race, the misreporting of race by Hispanics dropped dramatically (Bates, et. al, 1995) This is credited to a particular type of context effect known as the “part-whole” effect where by respondents “subtract” their answers to a narrower question from their answer to a subsequently broader one (Schuman, 1992).

Even if the Census Bureau decides to simply maintain the intent of the question as it is now, we suggest testing a question that includes the notion of legality as part of the question stem or as part of the response options. If legality is included as part of the response options, the stem can then include the notion of ‘current’ or ‘most recent’ to assist respondents who have had more than one legal status in their lifetime (e.g., widowed and married). However, at this time, we are still considering alternative ways to address these two concepts, if the Bureau chooses to measure both.

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