



Written by [R. Cort Kirkwood](#) on June 27, 2019

Warren Wants Reparations (Retroactive Tax Refunds) for Same-sex Couples

Amusing as it is to watch Democratic candidate [Julián Castro claim](#) that men have a right to abortion, even more amusing is watching his Democratic competitor, Elizabeth Warren, hold up a bag of goodies for every fringe and victim group in the country.

Of course, she would outlaw private health insurance and create “Medicare for All,” as [she said](#) at last night’s Democrat debate. And she would [wipe out](#) student debt and make college publicly funded. And Warren [also backs](#) reparations for slavery.



If all that isn’t nutty enough, she also backs a form of reparations for same-sex couples.

Warren is behind the [Refund Equality Act](#), which would permit homosexual couples to amend tax returns and retroactively claim the same tax benefits that heterosexual married couples got before the Supreme Court recognized same-sex marriage.

The Bill

[The two-page bill](#), sponsored in the House by leftist Judy Chu of California, is relatively straightforward. It would “permit legally married same-sex couples to amend their filing status for tax returns outside the statute of limitations.”

“For years, legally married same-sex couples couldn’t file joint taxes & often paid more,” [she tweeted](#). “Our bill,” [she continued](#) a few hours later, “Our bill ensures legally-married, same-sex couples can claim the tax refunds they earned, but were denied before marriage equality was the law of the land.”

Two days later, [she repeated](#) the message:

It wasn’t until marriage equality became law that gay & lesbian couples could jointly file tax returns — so they paid more in taxes. Our government owes them more than \$50M for the years our discriminatory tax code left them out. We must right these wrongs.

After the U.S. Supreme Court ruled in [United States v. Windsor](#) that the [Defense of Marriage Act](#) violated the due process clause of the Fifth Amendment, the Internal Revenue Service said same-sex couples in states that recognized same-sex marriage could amend their federal tax returns.

Problem was, [Warren explained](#) in a fact sheet, taxpayers have a three-year deadline to file an amended return and claim a higher refund. Thus, “without a legislative fix, same-sex couples who were married in jurisdictions that recognized same-sex marriage before Windsor — including Massachusetts, Connecticut, California, Iowa, New Hampshire, Vermont, and Washington, D.C. — are currently unable to claim refunds for certain years that they were legally married.”

The “certain years” would be those beyond the three years, meaning those [“married” before 2010](#).



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The Refund Equality Act [would change that](#) by allowing same-sex couples to file amended returns “back to the date of marriage.”

The Joint Committee on Taxation estimates that the same-sex couples in question will lay claim to \$57 million in refunds.

The Court Decision That Makes It Possible

The court decision Warren cites, however, is not the one that struck down state laws that banned so-called same-sex marriages.

That case was *Obergefell v. Hodges*. In that shocking decision, Associate Justice Anthony M. Kennedy, a Catholic, [famously declared](#) that “no union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family. In forming a marital union, two people become something greater than once they were.”

Kennedy, of course, ignored the truth that nothing prohibited homosexuals from either a same-sex relationship or a real marriage in the traditional sense; that is, to a member of the opposite sex. Thus, homosexuals were never “condemned to live in loneliness,” as he falsely claimed.

But again, at issue was not merely the legality of such “marriages,” but the benefits attaching thereto. Thus, *United States v. Windsor* is the case upon which Warren relies.

In that case, the court ruled that DOMA improperly blocked a bereaved “widow,” whose spouse left her an estate, from claiming a federal estate-tax refund.

Once again, Kennedy, ever the friend of the objectively disordered, [wrote the opinion](#): “The federal statute is invalid, for no legitimate purpose overcomes the purpose and effect to disparage and to injure those whom the State, by its marriage laws, sought to protect in personhood and dignity.”

The day the court decided *Windsor*, June 26, 2012, it also decided [Hollingsworth v. Perry](#), which effectively legalized same-sex marriage in California. [Proposition 8 had banned it](#), but a federal court struck down the ban as unconstitutional. The high court ruled that the proponents of Proposition 8 did not have standing to sue.

For her part, [Madame Chu wants](#) to wipe the “gendered” terms “husband” and “wife” out of the tax code.

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