

## MARRIAGE AND VIRGINIA'S PROPOSED AMENDMENT

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### HISTORICAL BACKGROUND IN BRIEF

Marriage in the Western World has its roots in several cultures, principally Hebrew, Roman, and Germanic. It was further shaped by the doctrines of the medieval Christian church, the demands of the Protestant Reformation, and the social impact of the Industrial Revolution. During all this time, the status of women was the same as that of other property.

Ancient Hebrew society was patriarchal. The main purpose of marriage was procreation. The patriarch selected a bride for his son and paid a "bride price" to her father or family. The father "gave the bride away" to the buyer, who, on his wedding day, lifted her veil to see her face for the first time. After the ceremony the bride took up residence with her husband's family.

Ancient Roman marriage and divorce were essentially private affairs which did not require governmental or religious involvement. Wedding pledges were exchanged between the groom and his father-in-law. A husband could punish, sell, or even kill his family as he saw fit. In its decline, (300-500 AD), the Roman state was forced to come to terms with Christianity. The synthesis of the two evolved into the Roman Catholic church which profoundly changed the history of marriage politics in the West.

The early marriage practices of Northern Europe were rather barbaric. Women were treated little better than domestic slaves. Under Germanic laws, marriage was a business deal with the setting of a "bride price" between the bridegroom and the bride's father. The word wedd derives from an Anglo-Saxon root that meant to gamble or wager. So a wedding was literally the purchase of a woman for breeding purposes, involving an element of risk. Wedd referred to the groom's pledge to marry, but also to the purchase with money or its equivalent in horses, cattle, or other property paid to the bride's father.

The 16<sup>th</sup> century Protestant Reformation rejected many Catholic concepts of marriage. Protestants elevated marriage over celibacy and viewed marriage as a life-long covenant rather than a sacrament. Divorce was permitted under certain circumstances but it was so

cumbersome and expensive that it was out of reach for most couples. In the 1600s, the Puritans brought this concept of marriage to America, where it survived.

The social invention of marriage evolved over centuries to serve many economic, political, and communal functions, which had to do primarily with acquiring or maintaining wealth, power, and property. These goals were far too important to be based on something as irrational as love between individuals, and through the ages arranged marriages were generally accepted. From expanding family ties into cooperative relations to meet the needs of the larger group, marriage became an avenue through which elites could hoard or accumulate resources and shut out those not related or even "illegitimate" family members. The common folk could be as selective in their choices and tended to the more immediate: for example, could marriage join contiguous plots of land? Running a farm or a trade could rarely be accomplished by one person and required the skills, resources, and tools of a couple to succeed and pass on to their posterity. For most of the past it was well understood that marriage was an economic and political institution with rigid rules.

Modern notions of romantic love and intimacy originated, surprisingly, with the strait-laced Victorians and the Industrial Revolution, which produced a middle class in which women and men had the time and means to become educated and devote themselves toward bettering society. This included the American Woman's Movement, sparked in 1848 by Elizabeth Cady Stanton and Lucretia Mott. Although attaining the vote appears to have been their primary aim, the suffragists were actually much more focused on attaining married women's property rights, including rights to their own property and/or earnings, their children, and their own bodies and sexuality. Essentially, they were fighting the legal concept of "coverture," which held sway in the Western World for centuries. This was the concept that decreed that a married couple became one and that one was the husband. As long as the concept of the husband's legal responsibility to support his wife and family prevailed, the courts took very conservative views of laws asserting a wife's right to her property and earnings.

Yet legislatures did feel empowered to pass new laws related to marriage. In doing so, they showed that marriage was a political creation.

If the past teaches us anything, it is how few precedents are relevant today. For thousands of years, there was little choice about whether and whom to marry and no choice in whether or not to have children. Life was short and death ended many marriages sooner than divorce does today. Marriage made the husband owner of his wife's property, earnings, and sexuality, and he had the final word on all family decisions.

In the twenty-first century, we are entering uncharted territory with no definitive guide to the new marital landscape. Most of what we used to take for granted is in flux. After half a century of passionate debate among professionals, there is still no universally accepted definition of marriage.

#### **MARRIAGE IN THE UNITED STATES**

The founders of this country saw a distinct analogy between the required mutual **consent** of a man and woman to marriage and that of the people to be governed by their elected leaders, the hallmark of representative government. Authority was delegated to elected representatives by the consent of citizens just as husbands were granted authority by the consent of wives. The model of lifelong, faithful monogamy bore the impress of the Christian religion and the English common law with its expectations of the husband as family head and provider and the wife as the dependent partner. Positive and punitive laws and government policy choices have endorsed and perpetuated nationally this particular marriage model.

In the form of the law and state enforcement, the public sets the terms of marriage which are regulated by states' authority over local health, safety, and welfare. State sanction of marriage is required and provided through the license and ceremony, hence the officiating cleric's words, "By the authority vested in me by the state of... I now pronounce you husband and wife." Public policy has always found prohibiting divergent marriage as important as sustaining the chosen model. States say who can and cannot marry, who can officiate, what obligations and rights the marriage involves, and why and how it can be ended.

Even though state governments have the power to regulate marriage and divorce, a 1996 U.S. General Accounting Office (GAO) report found 1,049 places in the body of federal law where legal marriage conferred a distinctive status, right, or benefit.<sup>1</sup> The U.S. government has packed into marriage many benefits and obligations, from immigration and citizenship to military service, tax policy, and property rules.

Privileges that go to legally married spouses include Social Security, Supplemental Security Income and Medicaid; Veterans' pensions, disability, medical care, housing and burial benefits; intestate succession rights; employer sponsored health benefits; and jail visitation privileges. Other rights conferred by marriage include next of kin status for medical situations; granting post-mortem anatomical gifts; custodial rights to children; child support and alimony; domestic violence intervention and protection orders; inheritance; and the right not to testify against a spouse.

As recently as 1967, sixteen states, including Virginia, still considered marriage across the color line void or criminal. Until overruled by the U.S. Supreme Court, state marriage laws punished or refused to legitimize "race mixtures." The focus has now turned to gender.

#### **ON THE FEDERAL LEVEL**

The issue of same-sex marriage was brought to national attention when, in 1993, the Hawaii Supreme Court ruled that laws denying the right of same-sex couples to marry violated the state's equal protection rights. The Court ruled that the state must show a "compelling reason" to ban same-sex marriage and ordered a lower court to hear a case seeking the right of same-sex couples to marry. Legislative action ultimately pre-empted this case. Then, in 1995, Utah passed the first Defense of Marriage statute, which stipulated that Utah did not have to recognize out-of-state marriages that violated state public policy.<sup>2</sup>

In September 1996, President Bill Clinton signed the federal Defense of Marriage Act (DOMA) It explicitly defines the words "marriage" and "spouse" in federal law as involving one man and one woman. It also provides that no state be required to give effect to a same-sex marriage contracted in another state. Marriage is not addressed in the U.S. Constitution, but the constitutional doctrine of comity, which requires the

states to respect one another's laws, has always applied. This constitutional rule requires that each state must give "full faith and credit" to the public acts of others, which certainly makes this portion of DOMA constitutionally questionable. Clearly, the intent was to strike preemptively against perceived threats from individual states. Advocates of the Defense of Marriage Act contended that Congress has the power to prescribe how "full faith and credit" should be effected. They declared traditional marriage the bedrock of our civilization, necessary to preserve our way of life. Opponents of the Defense of Marriage Act also marshaled American values, reasoning that marriage was a basic right that should not discriminate on the basis of gender but be sustained by American values of liberty and the pursuit of happiness.

The passage of DOMA paved the way for state constitutional amendments banning same sex marriage. As a result, "A national debate over same-sex marriage has raged in courtrooms, in state legislatures and at ballot boxes across the country since Massachusetts began marrying same-sex couples on May 17, 2004." <sup>3</sup>

In 2004, opponents of same-sex marriage proposed a Federal Marriage Amendment which stated, "Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution or the constitution of any State, nor state or federal law, shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups."<sup>4</sup> Passage would have ensured that DOMA amendments could not be challenged under the full faith and credit clause, the equal protection clause or the due process clause of the Constitution. Although debated in the United States Senate in 2004, it never faced a full Senate vote in that session

The Federal Marriage Amendment was again brought before the Senate in 2006. The League of Women Voters of the United States, along with 58 other organizations comprising the Leadership Conference on Civil Rights, sent a letter to every Senator stating, "The proposed amendment is antithetical to one of the Constitution's most fundamental guiding principles, that of the guarantee of equal protection for all. For the first time in history, the Constitution would be altered to be used as a tool of exclusion, restricting the rights of a group of Americans. It is so far-reaching that it would not only prohibit states from granting equal

marriage rights to same-sex couples, but also may deprive same-sex couples and their families of fundamental protections such as hospital visitation, inheritance rights, and health care benefits, whether conveyed through marriage or other legally recognized relationships. Such a proposal runs afoul of basic principles of fairness and will do little but harm real children and real families in the process."<sup>5</sup> On June 7, 2006, the measure was debated by the Senate, and defeated in a 49-48 vote.

### ON THE STATE LEVEL

The first state law defining marriage as a union between a man and woman was adopted by Maryland in 1973; there are currently 41 states that have statutes which prohibit same-sex marriage<sup>6</sup> "Twenty states have written prohibitions on same-sex marriage into their state constitutions. The latest was Alabama on June 6, when 80 percent of voters approved the measure in a statewide referendum. At least seven more states will hold statewide votes on same-sex marriage bans in November 2006: Arizona, Idaho, South Carolina, South Dakota, Tennessee, Virginia and Wisconsin. And more are in line with seven other states considering similar amendments." <sup>7</sup>

Dale Carpenter of the University of Minnesota Law School categorized these "marriage amendments" into three classes: <sup>8</sup>

Procedural Amendments do not define marriage or limit relationships. Instead they focus on where the authority to define marriage is assigned. For example, in Hawaii the amendment states "The legislature shall have the power to reserve marriage to opposite-sex couples." After adoption, the Hawaii legislature passed a law providing that marriage is valid only between a man and a woman.

Status Amendments define marriage as the union of one man and one woman. This leaves legislatures in these states free to consider and adopt legislation authorizing civil unions, domestic partnerships or other unmarried relationships. Alaska, Mississippi, Missouri, Montana, Nevada, Oklahoma, Oregon have passed these amendments.

Restrictive Amendments define marriage as between one man and one woman and prohibit creation or recognition of civil unions, domestic partnerships or other unmarried relationships. In Alabama, Georgia and Nebraska, these amendments ban civil unions, etc., only for same-sex relationships. Other states

impose restrictions on the legal recognition of unmarried relationships regardless of the gender of the couples involved. These include Arkansas, Kansas, Kentucky, Louisiana, Michigan, North Dakota, Ohio, Oklahoma, Texas and Utah. If passed, Virginia's marriage amendment would fall into this last category.

In Massachusetts, the only state where same-sex marriage is legal, same-sex couples have the same benefits and protections as opposite sex couples. Vermont grants the same state benefits, civil rights, and protections to same-sex couples as to married couples, but calls their status a "civil union" instead of "marriage." In 2005, Connecticut became the second state to legalize civil unions. With all the legal protections that marriage confers in both federal and state law, it is easy to see why same-sex partners would want to claim some of those protections. Some of the states have developed limited provisions for them. California, the District of Columbia, Hawaii, Maine, and New Jersey have created domestic partnerships. None provide equality with the rights and privileges of married couples on a state level. Typical benefits include hospital visitation rights, health coverage, and family or bereavement leave. Maine's domestic partnership law applies to all heterosexual couples as well; California and New Jersey laws also apply to heterosexual couples over the age of 62.

"In the United States, domestic partnership [or civil union] is a state or employer-recognized status similar to marriage that may be available to same-sex couples and, sometimes, opposite-sex couples. Although similar to marriage, a state-recognized legal domestic partnership does not confer many of the 1,049 [federal] rights afforded to a civil marriage. Domestic partnerships in the United States are determined on a state-by-state basis, and sometimes on a city-by-city or county-by-county basis. In many other countries, the same legal status is referred to as registered partnership, and "Domestic partnership" refers to cohabitation, rather than a legal status.

"In some states without domestic partnership legislation, sometimes a "domestic partnership" status is granted by an employer for the granting of health, family and insurance benefits. This practice is more common among U.S. colleges, universities and Fortune 500-listed companies than at small businesses. Employer-recognized domestic partnership qualifications and status varies in scope from employer to

employer as to what benefits are offered and whether or not same-sex or different-sex couples (or both) qualify."<sup>9</sup>

"In July [2006], New York's and Washington's highest courts upheld state law limiting marriage to one man and one woman, and judges also in July in Nebraska and Georgia reinstated those states' constitutional bans against same-sex marriage that had been thrown out by lower courts. A decision is pending from New Jersey's highest court on whether to legalize gay marriage.

"New York's and Washington's high courts were the first in the nation to find no state constitutional guarantee for same-sex couples to receive equal access to the rights of marriage. Besides Massachusetts, the high court of Vermont and lower courts in Hawaii and Alaska also found it unconstitutional to deny same-sex couples the right to marry. However, Vermont's court allowed the Legislature to create civil union as an alternative to gay marriage, and lawmakers and voters in Alaska and Hawaii nullified their court rulings by adopting constitutional bans against same-sex marriage."<sup>01</sup>

## IN VIRGINIA

Same-sex marriage has been outlawed in Virginia since 1975, when the legislature enacted: § 20-45.2.

Marriage between persons of same sex: A marriage between persons of same sex is prohibited. Any marriage entered into by persons of the same sex in another state or jurisdiction shall be void in all respects in Virginia and any contractual rights created by such marriage shall be void and unenforceable.

In 2004, the following section was added to the code: § 20-45.3. Civil Unions between persons of same sex: A civil union, partnership contract or other arrangement between persons of the same sex purporting to bestow the privileges or obligations of marriage is prohibited. Any such civil union, partnership contract or other arrangement entered into by persons of the same sex in another state or jurisdiction shall be void in all respects in Virginia and any contractual rights created thereby shall be void and unenforceable.

Supporters of Virginia's proposed constitutional amendment believe that these laws are not sufficient and could be overturned by the courts. It would be much harder to overturn the Virginia Constitution.

Virginia's proposed constitutional amendment is modeled on Ohio's which states, "This state...shall not create or recognize...relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage." Ohio Constitution, Art XV, Section 11 (2004). Since adoption, there has been an explosion of litigation in Ohio. It has been argued in multiple cases that the amendment bars domestic violence prosecutions against unmarried people; this issue will be heard by the Ohio Supreme Court. Miami University of Ohio is being sued because it offers "unconstitutional" domestic partner benefits and the amendment is also being used to argue against a custody order. Litigation on domestic partner benefits is also pending in Michigan and Utah. Legal precedents in these states will be used by their highest courts to settle these issues, and the result may differ accordingly in each of the states.

Virginia's amendment barring all legal recognition for unmarried relationships is one of the most broadly written and most restrictive of the relationship recognition amendments in effect or now under consideration in the 50 states. Virginia and Vermont are already in conflict over this issue. Two women were joined in a civil union in Vermont and subsequently, one of the women had a baby by artificial insemination. When the birth mother returned to Virginia, she denied her now ex-partner's demands for visitation and filed for sole custody which a Virginia judge awarded to her in 2004. On August 4, 2006, the Vermont Supreme Court ruled that Vermont has "exclusive jurisdiction over [the] case involving two women battling for custody of a child they had while they were in a lesbian relationship. The unanimous ruling conflicts with a series of decisions in Virginia, where courts ruled the state's laws against same-sex marriage controlled the case."<sup>11</sup>

"Opponents [of the amendment], who include Gov. Timothy M. Kaine (D), have argued that the language of the amendment -- that the state will "not create or recognize a legal status for relationships of unmarried individuals" -- is so broad that it also would affect contracts between unwed heterosexual couples...

"The amendment "in my view disenfranchises . . . unmarried people, both same-sex or heterosexual couples," Kaine said. But he took his criticism one step further, saying that the proposed amendment was discriminatory:

"There's nothing else in the [Virginia] Bill of Rights that takes away rights of people. We're equal citizens in the state; we ought to be treated equally."

"Supporters of the amendment believe that the amendment is necessary to preserve traditional marriage. They also say that current law -- Virginia's Marriage Affirmation Act of 2004 -- mirrors the language in the proposed constitutional amendment and has not invalidated contracts between unwed couples.

"There is a law on the books right now that does the same thing as the amendment and that has never been challenged in court," said Del. Robert G. Marshall (R-Prince William), sponsor of the legislative resolution creating the proposed amendment. "The argument is nothing but a red herring."<sup>21</sup>

"Many gay people in Virginia and some family-law attorneys say they worry that the state law and proposed amendment are more far-reaching than simple bans on gay marriage—that the measures could threaten the legal viability of the contracts used by gay couples to share ownership of property and businesses.

"The exact effects are unclear, and the 2004 law remains untested, but some gays say they fear the laws could affect their ability to own homes together; to draft powers of attorney, adoption papers or wills; or to arrange for hospital visitation or health surrogacy.

"Married people get these rights automatically through long-established common law; gay people use legal documents to ensure they can leave their property at death to their partner or allow their partner, rather than the patient's birth family, to make end-of-life decisions for them. Some gay people worry that hostile family members could use the language in the laws to seize their possessions or take custody of their children if they could prove the couple has a relationship that illegally approximated a marriage."<sup>31</sup>

"The ability to enter into a contract about anything isn't exclusive to marriage," said David Johnson, a deputy for Virginia Attorney General Robert F. McDonnell (R), a supporter of the amendment. "The overall, overarching principle here is that this amendment is very clear in defining marriage and to prevent any rhetorical sleights of hand that create marriage by another name. A contract to buy a house or to sell property . . . or write a will, [is] not exclusive to marriage."<sup>41</sup>

According to Michael Schewel, Virginia's Secretary of Trade and Commerce under Governor Mark Warner, the amendment could have an economic impact. It will make Virginia less attractive to companies that seek top employees without regard to race, religion or sexual orientation. Capital One and the 15 other Fortune 500 companies based here that provide domestic-partner benefits may be prohibited from doing so and will find it harder to hire the people they want to hire in Virginia.<sup>15</sup> While there are no statistics available, *The Washington Post* has already reported anecdotally on the migration of gay residents from Virginia to Maryland and the District.<sup>61</sup>

### A FOCUS ON CHANGE

An overview of the institution known as marriage shows more change in the past thirty-to-forty years than in the previous three thousand. Few of the old "rules" still apply. With the dissolution of universally-accepted practices, battles rage in the courts, in the op-ed pages, and at the dinner table over the meaning of marriage, why people participate in it, and who can do so. Personal faith is the basis for religious debate over same-sex marriage and does not appear to be affected by social science evidence pro or con. At the same time, our cherished tradition of freedom of religion appears vulnerable to an inclination to mix religion with politics especially over issues like abortion, gay rights, and stem cell research. The personal has become the political and we are experiencing a "value split" by ideology. Some caution that there is a need to remember that tolerance is no vice.

Radical change has been and is reshaping the form of marriage and its role in society and meaning in individual's lives. **Divorce, cohabitation, and single parenthood** have profoundly changed and continue to change our concepts. A vast increase in persons living alone is also having an effect. At the same time, there is great variety in the composition of households. Same-sex households may be but are not necessarily gay or lesbian; there are many other possible combinations (familial and companion). Postponing marriage until the late twenties or early thirties further contributes to the diminishing role of the institution of marriage in organizing social and personal life. What appears to be evolving is a gradual alteration in form from spousal to partner roles and responsibilities.

Are efforts to re-institutionalize marriage between a man and a woman a sign of resistance to change? Should marriage be the main mechanism to regulate sexuality, legitimize offspring, organize the division of labor by gender, and redistribute resources to dependents? After the last century of social change, it seems likely that the legal monopoly once held by marriage over the rules organizing people's personal rights and obligations has been lost.

While the U.S. is one of the most sexually conservative countries in the industrial world (and Virginia a bastion of it), attitudes toward homosexuality have experienced immense change over the past fifteen years. In a 2004 *USA Today* poll, half of the 18 and 19 year olds supported legalization of gay marriage, compared with only 19 percent of those over 65. Constitutional amendments or not, the reality of gay and lesbian families won't go away. Typically, laws attempt to deal with change already brought about by social modification. Eight U.S. states and the District now allow two legal mothers or two legal fathers. And 40 percent of the nation's adoption agencies report they've placed children with gay or lesbian parents.

In the U.S., there are currently 119,000 children, half racial and ethnic minorities, awaiting adoption and about 588,000 in foster care. Family law judges around the country have been considering "the best interest of the child" in adoption and custody contexts and placing children with gay parents. Unless specifically prohibited, they are swayed by the real needs of children rather than lawmakers' moral preferences.

Governments and employers in at least twenty Western countries have adopted "domestic partnership" or "civil union" laws and policies. Unmarried couples who register are granted some, if not all, of the same insurance benefits, inheritance, and other legal privileges as married persons. Benefits to unmarried persons living together are now extended by nearly half the 500 largest companies in America. Full recognition of same-sex unions is the law in Belgium, Canada, The Netherlands, South Africa and Spain. The pivotal position marriage once held in personal and social life is being displaced. We cannot afford to ignore that children are being raised and many obligations incurred in alternative settings, no matter how much society may value traditional marriage.

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**League of Women Voters® of Virginia Education Fund  
Nonpartisan Explanation Of the Constitutional Amendment:**

**DEFINITION OF MARRIAGE**

*BALLOT QUESTION #1*

*Shall Article 1 (the Bill of Rights) of the Constitution of Virginia be amended to state "That only a union between one man and one woman may be a marriage valid in or recognized by the Commonwealth and its political subdivisions. The Commonwealth and its political subdivisions shall not create or recognize a legal status for relationships or unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage. Nor shall this Commonwealth or its political subdivisions create or recognize another union partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities or effects of marriage"?*

**EXPLANATION**

There is a nationwide effort to pass state-by-state constitutional amendments to define marriage as a union between a man and a woman. In Virginia, this would be in Article I. Bill of Rights, Sec 15-A. The proposed amendment would:

- Forbid same-sex marriages and civil unions between persons;
- Deny recognition of same-sex marriages and civil unions allowed by other states; and
- Forbid other legal status arrangements between unmarried persons that try to give the obligations or privileges of marriage.

Virginia has existing statutes (§ 20-45. 2-3), which prohibit marriage between persons of the same sex, and voids any such marriage performed in another state or jurisdiction. The law further prohibits any civil union, partnership

contract or other arrangements between persons of the same sex that tries to give the privileges or obligations of marriage. This also applies even if the arrangements are contracted in another state.

However, some groups are concerned that state laws can be overturned by judicial appeals. It is much more difficult to overturn a state constitution. To change the constitution, an identically worded amendment must pass two General Assemblies, separated by an election, and be approved by the voters. The wording of this proposed amendment passed the General Assembly passed in 2005, followed by the Nov. 2005 election, and passed again in 2006. It is now before the voters to decide whether or not the amendment should be made part of the state constitution.

### **POSSIBLE CONSEQUENCES**

The first sentence, "That only a union between one man..." has consequences that are probably predictable. The language in the second and third sentences could have unforeseen consequences because it is unknown what a court might consider the intention "*to approximate the design, qualities, significance, or effects of marriage,*" or how it might interpret the ban on any "*legal status*" that might have the "*rights, benefits, obligations, qualities or effects of marriage?*"

It could prevent unmarried partners, heterosexual as well as homosexual, from being protected by restraining orders available under domestic violence laws. Attorneys in Ohio, which has passed a similar law, say they are obliged to use this interpretation in defense of abuse cases.

It could prevent unmarried partners from inheriting, even if there is a will.

It could end legal protections that designate custody of children, living trusts, joint accounts with right of survivorship, insurance beneficiary designations, and living will designations of who may act in your behalf, for unmarried persons.

It could deny health insurance benefits to unmarried partners.

### **WHAT DO SUPPORTERS SAY?**

- ✓ Supporters say activist judges may overturn state laws such as those in Virginia. We need a state constitutional amendment and a national constitutional amendment to prevent this from happening.
- ✓ Supporters say that opponents' concerns about legal issues are unfounded. There are State laws protecting rights between unmarried people.
- ✓ Supporters say marriage is a sacred bond only possible between one man and one woman. It is a basic belief of our culture, and such marriages need to be protected.
- ✓ Supporters say the country is stronger when there are stable marriages. Our laws should support this.
- ✓ Supporters say many studies show that measures of children's well-being are greater in homes that have a mother and a father.
- ✓ Supporters say that American society is under attack by proponents of same-sex marriages who want to impose their life-style on the majority.

### **WHAT DO OPPONENTS SAY?**

- ✓ Opponents say that state laws and the federal Defense of Marriage Act provide all the protection that opponents to same-sex marriage could want.
- ✓ Opponents say the language in the amendment is the most restrictive in the country and could have huge implications on issues between unmarried people, heterosexual as well as homosexual.
- ✓ Opponents say that this whole issue is a denial of rights to a class of people based on their sexual preference. It is unjust and un-American.
- ✓ Opponents say same-sex relationships are more stable than those of homosexuals compelled by society and law into man-woman marriages.
- ✓ Opponents say many studies that show that children do well in homes that are supportive and stable without regard to the sexual orientation of the parents.
- ✓ Opponents say that marriage protected by the state is a civil contract, which should not be bound by the standards of some religious groups