

Diversity Conference 2014 – The College at Brockport

Diversity Melting Pot of Marriage Equality

Historical Perspective

Marriage Equality for the lgbt community has been a topic from before the formal identification of the beginning of the Gay Liberation movement.

Slide 2

The Vision – past, present and future – **ALL PEOPLE ARE CREATED EQUAL**

Historical Views of Marriage

A look at the history of marriage in Western civilization, especially since the rise of Christianity, shows that it has, indeed, **largely been between a man and a woman and designed, in large part, for the purpose of having children. At the same time, it's an institution that has constantly evolved in response to changing social and political forces.**

55 types of marriages have been identified from traditional to non-traditional, from monogamous to pluralistic.

First recorded evidence of marriage contracts and ceremonies dates to 4,000 years ago, in Mesopotamia. In the ancient world, purpose of marriage was primarily to preserve power, acquire land, and produce legitimate heirs.

Slide 3

In ancient Rome, marriage was a civil affair governed by imperial law.

Slide 4

In 1215, marriage was declared one of the church's seven sacraments. As a general rule, today ministers of religion (e.g. rabbis or Christian pastors) are authorized in law to perform marriages. Marriage in the middle ages was considered too serious a matter to be based on love, a fragile emotion.

Slide 5

In the 17th and 18th centuries, when **Enlightenment thinkers pioneered the idea that life was about the pursuit of happiness**, they advocated marrying for love rather than wealth or status. The Industrial Revolution and the growth of the middle class in the 19th century supported this idea. As people took more control of their love lives, they began to demand the right to end unhappy unions.

Slide 6

For thousands of years, **law and custom enforced the subordination of wives to husbands**. But as the women's-rights movement gained strength in the late 19th and 20th centuries - with women being granted the right to **own property**, the **right to vote**, to **have credit** in their own names, to **say no to sex** with their husbands, to **keep their last names** if they wished -

wives slowly began to insist on being regarded as their **husbands' equals**, rather than their property. "By 1970," said **Marilyn Yalom, author of *A History of the Wife***, "**marriage law had become gender-neutral in Western democracy.**" At the same time, the rise of effective contraception fundamentally transformed marriage. Marriage had become primarily a **personal contract between two equals seeking love, stability, and happiness**. This new definition opened the door to gays and lesbians claiming a right to be married, too.

Journey of American women for equality changed the face of marriage.

Slide 7

In the United States there have been three basic marriage models:

Historic Judaic-Christian Marriage Model – (views marriage as a very special gift from God that should be used for man's benefit.)

Romantic Model of Marriage – (marriage is optional and may therefore be impermanent.)

Rationalistic Marriage Model – (two people are drawn together by both love and common traits. Based on fidelity. One main goal is the pure happiness of the people involved)

In **Native American Indian cultures** marriage was neither religious nor civil, and they viewed gender (and sexuality) as a continuum.

For the American Indian marriage was not seen as permanent.

It was an economic institution in which men and women were equals.

Slide 8

In Upstate New York among the Native American societies, same-sex unions have taken the form of Two-Spirit-type relationships. According to anthropologist Brian Gilley, "In many tribes, individuals who entered into same-sex relationships were considered holy and treated with utmost respect and acceptance."

US Marriage Law

In the last 100 years marriage has changed immensely in the U.S. to include the legalization of

divorce as well as the use of birth control for married couples.

In 1967, the U.S. Supreme Court overturned the laws prohibiting interracial marriage.

in at least 14 cases since 1888 and as late as 2003, **the United States Supreme Court has ruled that marriage is a fundamental right.**

The influences of the Iroquois nation in upstate New York, Susan B. Anthony, and Frederic Douglas had an intense long lasting and far reaching effect on changing the face of marriage. The desire for equality, justice, freedom to choose who to love, and the right to pursue happiness was deeply rooted in the diverse groups engaged in the fight for Marriage Equality in 2011.

Ralph will look at the involvement of the faith community in this struggle.

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal

S. -----
Senate

s20 Adams	s44 Farley	s58 Kennedy	s18 Montgomery	s23 Savino
s15 Addabbo	s02 Planagan	s34 Klein	s54 Nozzolio	s28 Serrano
s55 Alesi	s08 Fuschillo	s26 Krueger	s53 O'Mara	s51 Seward
s11 Avella	s55 Gallivan	s27 Kruger	s37 Oppenheimer	s09 Skelos
s40 Ball	s12 Gianaris	s24 Lanza	s21 Parker	s14 Smith
s42 Bonacic	s22 Golden	s39 Larkin	s13 Peralta	s25 Squadron
s46 Breslin	s47 Griffo	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s60 Grisanti	s52 Libous	s61 Ranzenhofer	s35 Stewart- Cousins
s50 DeFrancisco	s06 Hannon	s45 Little	s48 Ritchie	
s32 Diaz	s36 Hassell-	s05 Marcellino	s33 Rivera	s49 Valesky
s17 Dilan	Thompson	s07 Martins	s56 Robach	s57 Young
s29 Duane	s10 Huntley	s62 Maziarz	s41 Saland	s03 Zeldin
s31 Espaillat	s04 Johnson	s43 McDonald	s19 Sampson	

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

IN ASSEMBLY--Introduced by M. of A.

a049 Abbate	a107 Crouch	a095 Jaffee	a038 Miller, M.	a012 Saladino
a092 Abinanti	a014 Curran	a057 Jeffries	a052 Millman	a113 Sayward
a105 Amedore	a063 Cusick	a135 Johns	a103 Molinaro	a029 Scarborough
a084 Arroyo	a045 Cymbrowitz	a112 Jordan	a015 Montesano	a016 Schimel
a035 Aubry	a034 DenDekker	a099 Katz	a132 Morelle	a140 Schimminger
a124 Barclay	a081 Dinowitz	a074 Kavanagh	a039 Moya	a145 Schroeder
a040 Barron	a114 Duprey	a065 Kellner	a003 Murray	a064 Silver
a082 Benedetto	a004 Englebright	a100 Kirwan	a037 Nolan	a036 Simotas
a073 Bing	a071 Farrell	a129 Kolb	a128 Oaks	a146 Smardz
a122 Blankenbush	a123 Finch	a025 Lancman	a069 O'Donnell	a093 Spano
a055 Boyland	a007 Fitzpatrick	a091 Latimer	a051 Ortiz	a079 Stevenson
a008 Boyle	a137 Friend	a013 Lavine	a136 Palmesano	a011 Sweeney
a026 Braunstein	a143 Gabryszak	a050 Lentol	a088 Paulin	a110 Tedisco
a044 Brennan	a090 Galef	a125 Lifton	a141 Peoples-	a115 Tenney
a131 Bronson	a133 Gantt	a072 Linares	Stokes	a002 Thiele
a046 Brook-Krasny	a077 Gibson	a127 Lopez, P.	a058 Ferry	a061 Titone
a147 Burling	a149 Giglio	a053 Lopez, V.	a087 Pretlow	a031 Titus
a117 Butler	a066 Glick	a001 Losquadro	a021 Ra	a062 Tobaccco
a101 Cahill	a150 Goodell	a126 Lupardo	a097 Rabbitt	a041 Weinstein
a096 Calhoun	a075 Gottfried	a111 Magee	a009 Raia	a020 Weisenberg
a043 Camara	a005 Graf	a120 Magnarelli	a006 Ramos	a024 Weprin
a106 Canestrari	a098 Gunther	a059 Maisel	a134 Reilich	a070 Wright
a089 Castelli	a130 Hanna	a060 Malliotakis	a109 Reilly	a094 Zebrowski
a086 Castro	a139 Hawley	a030 Markey	a078 Rivera, J.	a023
a138 Caretto	a148 Hayes	a019 McDonough	a080 Rivera, N.	a027
a033 Clark	a083 Heastie	a104 McEneny	a076 Rivera, P.	a054
a047 Colton	a028 Hevesi	a017 McKeivitt	a119 Roberts	a116
a010 Conte	a048 Hkind	a108 McLaughlin	a056 Robinson	
a032 Cook	a018 Hooper	a022 Meng	a068 Rodriguez	
a142 Corwin	a144 Hoyt	a121 Miller, D.	a067 Rosenthal	
a085 Crespo	a042 Jacobs	a102 Miller, J.	a118 Russell	

with M. of A. as co-sponsors

--read once and referred to the
Committee on

DOMERELA
(Enacts the Marriage Equality Act
relating to ability of individuals
to marry)

Dom Rel. ability to marry

AN ACT

to amend the domestic relations law,
in relation to the ability to marry

The People of the State of New
York, represented in Senate and
Assembly, do enact as follows:

1) Single House Bill (introduced and printed separately in either or both
houses). Uni-Bill (introduced simultaneously in both houses and printed as one
bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed
copies of bill and 4 copies of memorandum in support (single house); or 4 signed
copies of bill and 8 copies of memorandum in support (uni-bill).

1 Section 1. This act shall be known and may be cited as the "Marriage
2 Equality Act".

3 § 2. Legislative intent. Marriage is a fundamental human right. Same-
4 sex couples should have the same access as others to the protections,
5 responsibilities, rights, obligations, and benefits of civil marriage.
6 Stable family relationships help build a stronger society. For the
7 welfare of the community and in fairness to all New Yorkers, this act
8 formally recognizes otherwise-valid marriages without regard to whether
9 the parties are of the same or different sex.

10 It is the intent of the legislature that the marriages of same-sex and
11 different-sex couples be treated equally in all respects under the law.
12 The omission from this act of changes to other provisions of law shall
13 not be construed as a legislative intent to preserve any legal
14 distinction between same-sex couples and different-sex couples with
15 respect to marriage. The legislature intends that all provisions of law
16 which utilize gender-specific terms in reference to the parties to a
17 marriage, or which in any other way may be inconsistent with this act,
18 be construed in a gender-neutral manner or in any way necessary to
19 effectuate the intent of this act.

20 § 3. The domestic relations law is amended by adding two new sections
21 10-a and 10-b to read as follows:

22 § 10-a. Parties to a marriage. 1. A marriage that is otherwise valid
23 shall be valid regardless of whether the parties to the marriage are of
24 the same or different sex.

25 2. No government treatment or legal status, effect, right, benefit,
26 privilege, protection or responsibility relating to marriage, whether
27 deriving from statute, administrative or court rule, public policy,
28 common law or any other source of law, shall differ based on the parties

1 to the marriage being or having been of the same sex rather than a
2 different sex. When necessary to implement the rights and responsibil-
3 ities of spouses under the law, all gender-specific language or terms
4 shall be construed in a gender-neutral manner in all such sources of
5 law.

6 § 10-b. Application. 1. Notwithstanding any other provision of law,
7 pursuant to subdivision nine of section two hundred ninety-two of the
8 executive law, a corporation incorporated under the benevolent orders
9 law or described in the benevolent orders law but formed under any other
10 law of this state or a religious corporation incorporated under the
11 education law or the religious corporations laws shall be deemed to be
12 in its nature distinctly private and therefore, shall not be required to
13 provide accommodations, advantages, facilities or privileges related to
14 the solemnization or celebration of a marriage.

15 2. A refusal by a benevolent organization or a religious corporation,
16 incorporated under the education law or the religious corporations law,
17 to provide accommodations, advantages, facilities or privileges in
18 connection with section ten-a of this article shall not create a civil
19 claim or cause of action.

20 3. Pursuant to subdivision eleven of section two hundred ninety-six of
21 the executive law, nothing in this article shall be deemed or construed
22 to prohibit any religious or denominational institution or organization,
23 or any organization operated for charitable or educational purposes,
24 which is operated, supervised or controlled by or in connection with a
25 religious organization from limiting employment or sales or rental of
26 housing accommodations or admission to or giving preference to persons
27 of the same religion or denomination or from taking such action as is

1 calculated by such organization to promote the religious principles for
2 which it is established or maintained.

3 § 4. Section 13 of the domestic relations law, as amended by chapter
4 720 of the laws of 1957, is amended to read as follows:

5 § 13. Marriage licenses. It shall be necessary for all persons
6 intended to be married in New York state to obtain a marriage license
7 from a town or city clerk in New York state and to deliver said license,
8 within sixty days, to the clergyman or magistrate who is to officiate
9 before the marriage ceremony may be performed. In case of a marriage
10 contracted pursuant to subdivision four of section eleven of this chap-
11 ter, such license shall be delivered to the judge of the court of record
12 before whom the acknowledgment is to be taken. If either party to the
13 marriage resides upon an island located not less than twenty-five miles
14 from the office or residence of the town clerk of the town of which such
15 island is a part, and if such office or residence is not on such island
16 such license may be obtained from any justice of the peace residing on
17 such island, and such justice, in respect to powers and duties relating
18 to marriage licenses, shall be subject to the provisions of this article
19 governing town clerks and shall file all statements or affidavits
20 received by him while acting under the provisions of this section with
21 the town clerk of such town. No application for a marriage license shall
22 be denied on the ground that the parties are of the same, or a differ-
23 ent, sex.

24 § 5. Subdivision 1 of section 11 of the domestic relations law, as
25 amended by chapter 319 of the laws of 1959, is amended and a new subdivi-
26 sion 1-a is added to read as follows:

27 1. A clergyman or minister of any religion, or by the senior leader,
28 or any of the other leaders, of The Society for Ethical Culture in the

1 city of New York, having its principal office in the borough of Manhat-
2 tan, or by the leader of The Brooklyn Society for Ethical Culture,
3 having its principal office in the borough of Brooklyn of the city of
4 New York, or of the Westchester Ethical Society, having its principal
5 office in Westchester county, or of the Ethical Culture Society of Long
6 Island, having its principal office in Nassau county, or of the River-
7 dale-Yonkers Ethical Society having its principal office in Bronx coun-
8 ty, or by the leader of any other Ethical Culture Society affiliated
9 with the American Ethical Union; provided that no clergyman or minister
10 as defined in section two of the religious corporations law, or Society
11 for Ethical Culture leader shall be required to solemnize any marriage
12 when acting in his or her capacity under this subdivision.

13 1-a. A refusal by a clergyman or minister as defined in section two of
14 the religious corporations law, or Society for Ethical Culture leader to
15 solemnize any marriage under this subdivision shall not create a civil
16 claim or cause of action.

17 § 6. This act shall take effect on the thirtieth day after it shall
18 have become a law.