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.
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 goals 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.
Legislative Bill Drafting Commission
12066-04-1

S. Senate

IN SENATE—Introduced by Sen

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

-------- A. Assembly

IN ASSEMBLY—Introduced by M. of A.

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 of both houses), Cal-Bill (Introduced simultaneously in both houses and printed as one bill, Senate and Assembly introducer sign 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 (cal-Bill).

IN SENATE
Senate introductor's signature

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

s28 Adams s44 Farley s18 Kennedy s18 Montgomery s23 Savino
s15 Addabbo s52 Flanagan s24 Klein s54 Morello s20 Serrano
s55 Alesi s18 Muscillo s26 Kreger s13 O'Mara s31 Seaward
s51 Avella s25 Culliven s27 Kruger s37 Oppenheimer s39 Skelos
s40 Ball s12 Gianaris s24 Lanza s31 Parker s14 Smith
s42 Bonacic s22 Golinski s19 Lieba s13 Peralta s36 Squadron
s45 Bravin s77 Griffin s21 Lavalle s30 Persico s16 Stavisky
s39 Carlone s10 Griesart s22 Libous s41 Assistant s35 Stewart-
s26 DeFrancisco s26 Kaminsky s25 Little s18 Ritchie s23 Counihan
s32 DiSano s16ressell- s25 Marcellina s12 Sireva s45 Velocci
s17 Diano Thomas s27 Martin s36 Zoned s57 Young
s29 Dunne s10 Huntley s92 Masiar s41 Saland s30 Seldin
s31 Haggart s04 Johnson s43 McDonald s13 Seymour

IN ASSEMBLY
Assembly introductor's signature

The members of the Assembly whose names are circled below wish to join me in the

multi-sponsorship of this proposal:

a049 Abbate a107 Crouch a095 Levine a038 Miller, M. a012 Salandino
a092 Abiad a14 Curran a077 Jeffries a052 Millman a113 Seydow
a335 Amedore a063 Cusick a135 Johns a103 Mohlman a029 Scarborough
a084 Arroyo a044 Cymbrowitz a122 Zordian a015 Montesano a014 Schiell
a035 Aubry a024 Bendekar a099 Katz a133 Korella a140 Schimminger
a124 barcode a085 Dinowitz a074 Elavon a035 Moia a145 Schroeder
a046 Barron a119 Dyregard a065 Zelinski a003 Murray a084 Silver
a082 Benedetto a094 Englebright a106 Ehren a037 Nolan a036 Simotas
a073 Bing a071 Ferrell a129 Kelb a128 Oaks a144 Scudder
a132 Blankenship a121 Finch a025 Lenen a069 O'Donnell a093 Spano
a055 Boyland a070 Fitzpatrick a091 Liptak a051 Ortiz a079 Stevenson
a008 Boyle a137 Friend a011 Levine a134 Palazzolo a011 Sweeney
a026 Braunstein a145 Gabryszak a090 Lentol a080 Peltz a119 Tedisco
a044 Bronson a046 Galief a125 Lifton a141 Peoples- a015 Tenney
a131 Bronson a130 Gout t a072 Lipari a090 Stoklos a007 Thiele
a045 Brook-kratz a077 Gibson a127 Lopez, P. a035 Perry a061 Titone
a137 Burdette a149 Golgo a053 Lopez, V. a087 Precklow a031 Titus
a117 Butler a046 Giuli a081 Lopandro a031 Ra a026 Tobacco
a101 Cabnell a120 Goldberg a124 Lupardo a097 Rabott a041 Weintraub
a096 Calou a075 Cottrell a111 Mager a009 Raia a022 Weilensberg
a063 Camara a005 Graf a120 Mayparelli a006 Hamo a024 Weprin
a101 Cammarata a058 Gomber a085 Maisel a134 Reilich a070 Wright
a089 Costello a110 Hanna a060 Malliotakis a109 Kelly a094 Bedrosian
a086 Castro a139 Havoy a100 Markay a078 River, J. a033
a138 Carroto a148 Hayes a129 Mcbride a080 Rivera, M. a027
a033 Cline a083 Hazlett a104 Mcnamara a076 Rivera, R. a054
a047 Colton a028 Hespe a117 McKibben a119 Roberts a135
a010 Cuneta a048 Hildred a108 McLaughlin a106 Robinson
a032 Cuck a101 Hooper a022 Hung a068 Rodríguez
a142 Cowin a144 Hoyt a121 Miller, D. a067 Rosenthal
a085 Crespo a143 Jacobs a102 Miller, J. a103 Ramesh
Section 1. This act shall be known and may be cited as the "Marriage Equality Act".

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

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

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

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

2. No government treatment or legal status, effect, right, benefit, privilege, protection or responsibility relating to marriage, whether deriving from statute, administrative or court rule, public policy, common law or any other source of law, shall differ based on the parties
to the marriage being or having been of the same sex rather than a
different sex. When necessary to implement the rights and responsibil-
ities of spouses under the law, all gender-specific language or terms
shall be construed in a gender-neutral manner in all such sources of
law.

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

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

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

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

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

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

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

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

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