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.

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.

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 Eqaulity in 2011.

Ralph will look at the involvement of the faith community in this struggle.
Legislative Bill Drafting Commission
12066-04-1

S. ----------

Senate

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IN SENATE--Introduced by Sen

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

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A.

Assembly

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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

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--read once and referred to the Committee on

*DOMERELA*

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

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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:

IN SENATE

Senate introducer's signature

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

s20 Adams  44 Farley  58 Kennedy  18 Montgomery  23 Ravino
s15 Addabbo  52 Flanagan  42 Klein  54 Morello  20 Serrano
s55 Altesi  56 Ruscillo  26 Kreuger  53 O'Mara  51 Seawright
s11 Avella  55 Callahan  27 Krueger  57 Oppenheimer  89 Schekosne
s40 Ball  52 Gianaris  54 Lanza  51 Parker  14 Smith
s42 Bonacic  22 Golden  43 Sarkis  53 Perales  36 Squadron
s46 Breitlin  57 Griffin  51 LeVally  56 Persick  16 Stavisky
s39 Carlucci  50 Girgenti  52 Libous  51 Rosenberg  35 Stewart-Cousins
s50 DeFrancisco  56 Hanrahan  45 Little  58 Ritchie  41 Corliss
s52 DiNatale  51 Massicott  55 Marcellino  53 Zervos  46 Velazquez
s17 Dinafro  53 Thompson  57 Martins  56 Weinstein  57 Young
s29 Dye  50 Huntley  52 Masi  41 Sales  53 Sedlak
s31 Heagerty  54 Johnson  43 McDonald  13 Seemann

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:

a099 Abbate  a107 Crouse  a095 Caffarelli  a018 Miller, M.  a012 Salandino
a092 Abrami  a114 Curran  a057 Jeffries  a052 Millman  a113 Seawright
a105 Amedore  a063 Castleton  a135 Johns  a103 Molinaro  a029 Scarborough
a094 Arroyo  a044 Cymbrowski  a132 Jordan  a015 Montesano  a014 Schmeltzer
a035 Aubry  a034 Den Dekker  a099 Katz  a132 Koon  a140 Schlachter
a124 Bakes  a031 Dinowitz  a074 Kavanagh  a035 Moya  a145 Schroeder
a046 Barone  a144 DeFazio  a065 Zelaznik  a003 Murray  a064 Silvestri
a082 Bennett  a094 Inglis  a100 Elvin  a037 Nolan  a036 Simotas
a073 Bing  a071 Ferrell  a129 Kilfoyle  a128 Oaks  a146 Observi
a132 Blakeslee  a121 Finck  a059 Langan  a069 O'Donnell  a053 Spano
a105 Boyland  a107 Fitzpatrick  a091 Latimer  a051 Ortiz  a079 Stevenson
a100 Boyle  a137 Fried  a031 Levie  a136 Palazzo  a011 Sweeney
a026 Braunstein  a143 Gabryszak  a050 Lentol  a068 Paglin  a119 Tiscia
a044 Bronson  a090 Galief  a135 Lifton  a134 Peoples-Libby  a115 Tenney
a131 Bronson  a133 Gottfried  a072 Linz  a040 Stabile  a002 Trai
a045 Brook-Krasney  a077 Gibson  a127 Lopes, P.  a059 Perry  a061 Tissue
a147 Buring  a149 Giglio  a053 Lopes, V.  a087 Preclaw  a031 Titus
a117 Butler  a045 Glick  a001 Longstreth  a001 Ra  a062 Tobacco
a101 Calabili  a120 Goodell  a126 Lapota  a047 Rabideau  a041 Weinstein
a094 Calhoun  a095制订  a111 Nagel  a099 Raia  a023 Weilminster
a063 Canares  a005 Graft  a120 Weprin  a006 Ramos  a024 Weprin
a106 Canestrati  a098 Ommer  a066 Maisel  a134 Reilich  a070 Wright
a089 Castelli  a139 Hanna  a060 Malottkas  a109 Ray  a094 Bezrodny
a086 Castro  a139 Haverty  a100 Markey  a078 Rivera, J.  a023
a138 Castetto  a148 Hayes  a120 McConkey  a060 Rivera, M.  a027
a093 Clark  a123 Hosack  a104 Nowak  a076 Rivera, P.  a054
a047 Colon  a028 Neves  a119 McKivitz  a119 Robertson  a115
a010 Conte  a048 Kilkenny  a108 McLaughlin  a126 Robinson
a082 Coccia  a009 Hooper  a102 Wang  a060 Rodriguez
a142 Cowin  a144 Hoyt  a121 Miller, D.  a067 Rosenbush
a085 Creps  a083 Jacobson  a102 Miller, J.  a130 Rasek

1) Single House Bill (introduced and printed separately in either or both houses). Cal-Hill (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-Hill).

END 09/12/11
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 responsibilities 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 Manhattan, 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 Riverdale-Yonkers Ethical Society having its principal office in Bronx county, 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.