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 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:

IN SENATE

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

a28 Adams a44 Farley a58 Kennedy a68 Montgomery a73 Havinson
a15 Addabbo a52 Flanagan a42 Klein a54 Morello a59 Serrano
a55 Allozzetti a58 Russo a56 Krueger a53 O'Mara a60 Sewell
a51 Avella a65 Callin a77 Kremer a79 Oppenheimer a99 Skelos
a40 Ball a62 Gianaris a94 Lanza a92 Parker a94 Smith
a42 Bonacic a25 Golden a19 Larkin a13 Peralta a138 Squadron
a44 Breitenbach a57 Griffioen a55 LaValle a36 Perkins a36 Stavisky
a39 Carlone a56 Girgenti a52 Libous a51 Zazzo-Srenberger a35 Stewart-Cousins
a63 DeFrancisco a56 Mamone a65 Little a48 Ritchie a44 Cunia
a32 DiNatale a16assellini a55 Marcellino a52 Rivera a48 Velazquez
a17 Dilara a68 Thompson a97 Martins a56 Velella a58 Young
a29 DiNatale a10 Huntley a62 Hikari a41 Saldafia a93 Sedin
a31 Heagerty a04 Johnson a45 McDonald a135 Seaman

IN ASSEMBLY

Assembly introducer's signature

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

a099 Abate a107 Cough a95 Allen a608 Miller, M. a602 Salandra
a692 Abinantis a614 Curran a597 Jeffries a502 Millman a113 Seawright
a336 Addabbo a663 Castelli a135 Johns a103 Molinaro a269 Scarborough
a298 Arroyo a543 Cymbrowitz a152 Jordan a605 Montesano a150 Schmel
a035 Aubry a543 Ben-Feder a099 Katz a132 Koelele a140 Schlissel
a124 Bailey a1013 Dimon a764 Kavanagh a129 Moya a145 Schroeder
a404 Barron a124 Degraw a665 Zelenski a003 Murray a168 Silver
a082 Bennett a904 Englebright a100 Kilgore a137 Nolan a136 Simotas
a731 Bingham a271 Ferraro a125 Kolb a128 Oaks a145 Sausa
a132 Klein knowles a520 Lenihan a069 Donahue a593 Speno
a155 Boylan a100 Fitzpatrick a951 Loretta a081 Ortiz a139 Stevenson
a008 Boyle a137 Friend a071 Lavin a136 Paleski a365 Sweeney
a026 Bramstein a144 Gabryszak a956 Lentol a088 Pfeifer a119 Tedisco
a044 Bronson a394 Gaffney a125 Lipton a147 Pepe a115 Tenney
a331 Brown a133 Gottlieb a872 Linzer a808 Stabile a002 Thiele
a045 Bruestine a577 Gibson a120 Lopez, P. a055 Perry a1001 Titone
a147 Burling a149 Giglio a593 Lopez, V. a067 Preclaw a031 Titus
a117 Butler a666 Glick a101 Leonardi a158 Ra a162 Toccino
a101 Cavallaro a150 Goodell a124 Lapadula a107 Rabbit a041 Weinstock
a050 Calabro a795 Ottolini a111 Maggi a009 Raia a323 Weilbacher
a063 Camara a005 Graf a120 Wespicelli a006 Ramos a024 Weprin
a104 Camozzari a588 Cunha a588 Weiss a143 Relich a070 Wright
a089 Castelli a120 Hanna a660 Millotowski a109 Reilly a094 Zadroga
a086 Castro a129 Haverty a109 Hayley a19 a078 Rivers, J. a233
a138 Caretto a148 Hayes a119 McDougall a050 Rivers, M. a027
a333 Clark a663 Naasit a104 McEneny a075 Rivers, P. a054a
a947 Cohen a038 Hevesi a617 McVickar a139 Roberts a136
a010 Coe a048 Hillard a108 McLaughlin a156 Robinson
a532 Cough a018 Hooper a022 Hwang a168 Rodriguez
a149 Cowan a144 Hoyt a121 Miller, D. a067 Rosenthal
a085 Crevecoeur a108 Jacobs a102 Miller, J. a138 Ramesh

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 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 (cal-bill).

DNCC 05/12/11
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 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 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.

l-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.