

*Why I Am Voting NO on the “Marriage” Amendment*  
a sermon delivered by Rev. Rebecca F. Benner  
at the Accotink Unitarian Universalist Church  
Sunday, October 15, 2006

Today is my husband Derek’s and my first wedding anniversary. A year ago this morning we stood together at the front of the church I grew up in in Lexington, Massachusetts, in front of our gathered family and friends, and made promises of love and fidelity, of mutual care and commitment. After the ceremony, the minister who performed it signed our marriage license and sent it in to the local government office and, in the eyes of those we know and love, as well as in the eyes of our government, we were married.

Marriage has changed things—not only my name and the rings on our fingers, not only the deeper sense of commitment and connection we both feel, but also how the world sees and treats us, and all the things we can now take for granted. I can make purchases at L.L. Bean under Derek’s name, I discovered. When one of us had to go to the emergency room, there was no question about whether the other could be there and be a part of the conversation and decision making. We are each other’s official next of kin, able to cover each other on medical insurance without any extra paperwork. We are understood by all as a family.

We happened to be married in Massachusetts, the one state in our country that allows same sex couples to marry in exactly the same way as heterosexual couples. A few other states offer some sort of official partnership—civil unions and such. Most states, including Virginia, offer no recognition and no protection for same sex couples who want to make the commitment of marriage. There is no legal recognition of their status as family, as committed to one another’s care, as responsible for each other. There is little protection for the children of these families.

And, if some in our Commonwealth have their way, there is about to be much less.

On Tuesday, November 7, we go to the polls. Voting is always an essential act of responsible citizenship and this year there are key votes for national House and Senate seats among others. But this year is especially important because also on the ballot is a proposed amendment to the Virginia constitution which is designed to prohibit for all time the recognition of gay and lesbian families, and which has the potential to do much more. This morning, I want to share with you why I am voting no on this proposed amendment, and why I hope you will as well.

Let me begin by reminding you of the full text of the proposed amendment. Ballot Question #1 reads as follows:

*Shall Article I (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 this Commonwealth and its political subdivisions.*

*This Commonwealth and its political subdivisions shall not create or recognize a legal status for relationships of 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.”?*

There are two primary, and quite different, arguments against this amendment. The one that I believe is both most powerful and most important is that it is flat-out wrong. It is discriminatory and unjust and violates our Unitarian Universalist principles as well as the highest values of our country. The second is that the language of the amendment is so broad that there is a great likelihood of unintended consequences which will harm not only those the amendment is directed toward, but many thousands of others.

I want to begin with this second reason because, though it is ultimately less important and less compelling, it is still valuable, especially when talking with people who are opposed to marriage equality for same sex couples.

As you know, a good number of states have passed constitutional amendments that ban marriage equality for gay and lesbian couples, and seven states other than Virginia are voting on similar amendments this November. In only a few states has the language been as broad and ambiguous as it is here, and so the potential for problems is fundamentally unknown, but many who have looked at the wording of the Virginia amendment, including many in the legal community, see a great number of dangers.

Because of the wording of the second paragraph, any two unmarried adults - siblings, parents and child, unmarried heterosexual couples, friends - who attempt to enter into any legal arrangement that resembles any aspect of marriage have the potential to have the arrangement denied or dismissed. This includes domestic partner benefits like health coverage, property rights and the passing on of property after death, medical decisions making and access during a hospital stay, decisions around custody and visitation for children of unmarried partners. As well, this will effect protection under state domestic violence laws.

Let me begin with this last one, because it is one that is already playing out in Ohio, one of the few states with amendment language as broad as that of the proposed Virginia amendment. In Virginia, over half the domestic violence cases involve couples who are not married but who are living together. There are special laws that protect victims of domestic violence, that give them access to help, to court protection, to prosecution of the abuser. Protections which are critical in these kind of situations. It is more than possible that the amendment could be interpreted to deny these protections to anyone who is not married to their abuser. In fact, in Ohio, a number of cases have been overturned or dismissed based on exactly this. All of us hope, of course, never to be touched by this issue, but it happens to many—gay or straight, married or not. Protection from violence in our homes should not be limited to those who can and who have married.

Similarly, the amendment brings into question child custody arrangements between unmarried parents, not just gay and lesbian parents, but heterosexual parents as well. For a proposal that its supporters claim is designed to protect families, this amendment has the very real possibility of destroying them. Of cutting children off from a parent, of bringing a great deal of uncertainty to custody fights and into the lives of the children involved.

And the possibilities continue, affecting property rights, medical decision making, financial responsibility, and so on. The writers and supporters of the amendment claim these dangers are not real, that access to these kinds of legal protections will continue. But the truth is, given the language of the amendment, this cannot be guaranteed. All it takes is one person to challenge a

custody arrangement, a domestic violence charge, a medical decision and all could be called into question.

Though, again, I don't think this is the strongest argument against the amendment, the broadness of the language creates real danger for many Virginians. Part of what we can do in the four weeks remaining until this vote is help educate people who may not understand all the implications. A good number of people, including our Governor Tim Kaine, who oppose marriage equality are against the amendment for just these reasons, and they can be convincing for many.

Ultimately, of course, this is a moral issue. A justice issue. All the unintended consequences aside, it is the *intended* consequences of this proposed amendment that I find most repugnant and the heart of why I will vote no on November 7. There is no denying that the goal of this amendment is to keep gay and lesbian couples from having access to the same rights and responsibilities, the same protections and obligations as heterosexual couples have. This amendment writes overt discrimination into our state constitution, into our Bill of Rights. It makes clear that some among us are second class citizens, less worthy of civil rights simply because of whom they love.

This goes against everything I believe in, everything I believe Unitarian Universalism stands for. It goes against the continual striving for greater and wider equality that has been the hallmark of our country.

Every religious community has the right to decide whether or not to recognize marriage equality regardless of sexual orientation. The state cannot force any religious denomination to perform marriages that go against their faith tradition. Religious marriage is just that, and therefore up to the religious community in question.

Civil marriage, on the other hand, marriage recognized and sanctioned by the state, marriage which impacts the legal standing and basic rights of individuals in our country, should be available to everyone. Just as the state should not impose its views on particular religious practices, neither should any particular religious perspective or belief dictate state law, or the contents of the state constitution.

And let's not pretend that genuine equality can be gained by any method but *full* marriage equality. We ought to have learned long ago that separate but equal is a fantasy. Civil unions and domestic partnerships offer some of what is needed, but they do not offer real equality. They do not offer all the legal rights and responsibilities of marriage and just as importantly, they do not offer the full recognition of family that comes only with marriage.

There is no question that marriage and families are in trouble in our culture. The prevalence of divorce, the amount of domestic violence, the ways our culture disparages and works against strong and healthy families are all vital challenges for us, whatever our social and political perspective. As I see it, the desire for gay and lesbian couples to take up the rights and responsibilities of marriage will strengthen both individual families and the network of families that makes up our society. After all, marriage is not something that anyone takes lightly, or at least we hope this is the case. Certainly marriages of gay and lesbian couples will run into the same challenges that marriages between a man and woman do. There will be divorces and painful split-ups, there will be custody battles and fights over property. But how much better if these things happen with the same legal guidelines and protections as in heterosexual marriage.

And when these marriages do work out, as many of them will, families will be stronger, children will be safer, and all people will know themselves to be equal in the eyes of the law, regardless of their sexual orientation.

Virginia does not have a particularly stellar history when it comes to civil rights. As our very own Ray Burmester is fond of pointing out, most of the advances of civil rights in this Commonwealth, many of which seem obvious to us now—such as desegregating schools and overturning the ban on interracial marriage—were forced on Virginia by the federal courts. Let's make this issue the exception. Let's show the world that this state does not always have to be dragged kicking and screaming toward justice.

Defeating the amendment here in Virginia next month will certainly not bring us anywhere near real marriage equality. Laws prohibiting recognition of same sex couples as married are on the books in this state and likely to be there for a while. Our work will not be done when we overcome this particular attempt to enshrine discrimination in the Bill of Rights of the Commonwealth. But this is a hugely important first step. Without a win here, we are in serious trouble.

We can win. It will take one million votes for us to defeat this amendment, and we can do it. We can do it by talking with those we know about why we are voting the way we are. We can volunteer for the Commonwealth Coalition or Equality Fairfax. Most importantly, we can go to the polls ourselves on November 7 and vote no on Ballot Question #1.

We do not stand alone on this issue. At the rally against the amendment that took place last week at George Mason University there were clergy and lay people of many faiths, gay and straight, old and young, Jewish, Baptist, Methodist, UCC, Unitarian Universalist, all standing in solidarity with one another and with all the gay and lesbian families that are finding it increasingly difficult to feel safe speaking up for their own rights. We do not have to do it all, but we do have to do our part.

I think of all the joy that my marriage has brought me. Some of it, of course, has nothing to do with our legal status. But some of it does. I would be devastated if our love and commitment were unacknowledged by society, if the children we hope to have were not protected by our legal relationship, if we had to fight for each of the different rights that come automatically with marriage.

Marriage is not the right choice for everyone. It should not be a requirement to be a full part of our society. At the same time, it should be available to all who want it. All who are willing to make the promises that come along with it. All who desire to commit themselves to the care of another through whatever life may bring. Civil marriage is a civil right and we are part of a religious tradition that has always done its best to fight for full civil rights for everyone. Let us continue the fight here and now. Let us say no to putting discrimination into Virginia's bill of rights. And let us say yes to love, to families, to marriage. Let us speak, once again, for justice.

May it be so. Amen.