RESOLUTION IN SUPPORT OF MARRIAGE EQUALITY LEGISLATION IN THE WEST VIRGINIA LEGISLATURE

Resolution Adopted by

City of Morgantown Human Rights Commission

December 19, 2013

CITY OF MORGANTOWN HUMAN RIGHTS COMMISSION RESOLUTION FOR SUPPORT OF A MARRIAGE EQUALITY BILL IN THE STATE OF WEST VIRGINIA

WHEREAS, The City of Morgantown has a long history of opposing discrimination in employment, housing, education and public accommodation on such invidious bases as race, religion, national origin, sex, and sexual orientation. The denial of equal marital rights — including recognition of same-sex domestic arrangements that amount to "everything but marriage"—is nothing less than an unacceptable form of discrimination against lesbian, gay, bisexual and transgender (LGBT) Americans; and

WHEREAS, while the City of Morgantown Human Rights Commission may have a variety of views about marriage, according to their personal or religious beliefs, it is a fundamental, uniting principle of our organization that all people are entitled to equal rights; and

WHEREAS, measures that fall short of full marital status—such as civil unions and domestic partnerships—deny LGBT couples the benefits, rights and privileges associated with 1,138 federal statutory provisions and the various state-level provisions that come into play once two individuals enter into marriage—including provisions related to taxes, insurance, inheritance and survivor benefits, immigration, hospital visitation rights, and much more; and

WHEREAS, on June 26, 2013, the United States Supreme Court, in a 5-4 decision, struck down a key part of a law that denies to legally married same-sex couples the same federal benefits provided to heterosexual spouses. See United States v. Windsor, 570 U.S. 12 (2013). The Defense of Marriage Act (DOMA) defines marriage as only between a man and a woman. However, the United States Supreme Court ruled DOMA violates equal protection guarantees in the Fifth Amendment's due process clause as applied to same-sex couples legally married under the laws of their states; and

WHEREAS, eighteen (18) states, including California (June 28, 2013), Connecticut (Nov. 12, 2008), Iowa (Apr. 24, 2009), Massachusetts (May 17, 2004), New Jersey (Oct. 21, 2013) by State Legislature, Delaware (July 1, 2013), Hawaii (law will take effect Dec. 2, 2013), Illinois (law will take effect June 1, 2014), Minnesota (Aug. 1, 2013), New Hampshire (Jan. 1, 2010), New Mexico (December 19, 2013), New York (July 24, 2011), Rhode Island (Aug. 1, 2013), Utah (December 20, 2013)*, Vermont (Sep. 1, 2009) by popular Vote, Maine (Dec. 29, 2012), Maryland (Jan. 1, 2013), Washington (Dec. 9, 2012), and the District of Columbia (Mar. 3, 2010) now approve of same-sex marriage in their jurisdictions; and

WHEREAS, 2013 ended with 18 states and the District of Columbia recognizing same-sex marriage in some form — states that account for 228 electoral votes and 123 million people, nearly 40 percent of the United States population. Oregon, Nevada, Wisconsin and Colorado, which account for another 32 electoral votes and 17.5 million residents, recognize civil unions, domestic partnerships or other legal status for same-sex couples.

WHEREAS, marriage has historically been core to defining the relationship between two individuals. The City of Morgantown Human Rights Commission believes that the extension of

* Utah marriages have been stayed pending appeal.

marital rights and privileges by the State of West Virginia does not dilute the concepts and definitions of marriage held by religious groups. Civil and religious aspects of marriage are linked only at the point that religious clerics are authorized to perform a civil marriage concomitantly with a religious ceremony. The City of Morgantown Human Rights Commission opposes legislation preventing equal access to the civil institution of marriage—even as the City is opposed to the state imposing that civil definition on religious authorities. The City of Morgantown Human Rights Commission believes that any legislature extending full marriage rights must allow religious institutions to make their own determinations about performance and recognition of marriage.

Now therefore, BE IT RESOLVED that The City of Morgantown Human Rights Commission:

(1) Affirms its support of same-sex civil marriage equality; and

(2) Affirms its support for protecting the religious liberty interests of pervasively religious institutions for which performance and recognition of same-sex marriages is contrary to their religious tenets.

BE IT FURTHER RESOLVED that The City of Morgantown Human Rights Commission calls on our West Virginia state legislators to sponsor and vote for legislation that approves of same-sex civil marriage and will confer full marriage equality, including health and pension benefits, family and medical leave, tax treatment and disability benefits to gay, lesbian, bisexual and transgender people.

Adopted this 19th day of December, 2013.

Don Spencer
Chairperson

Jan Derry
Vice Chairperson

Anna-Marlene Robinson-Savino
Secretary

Mike Fike
Board Member

Anne Marie Lofaso
Board Member

Fran Whiteman
Board Member

Vacant
Board Member