

Virginia Marriage Amendment Teach-In at Rock Spring Draws a Large Crowd

Four speakers addressed more than 80 people, many from outside Rock Spring, at a teach-in on the proposed amendment to Virginia's constitution on June 25. Virginia Senator Janet Howell covered the political background including possible reasons why members of the Virginia chamber had voted overwhelmingly for it, and how the amendment might affect the state's domestic violence laws, medical insurance, hospital visitation rights, religious freedom, civil unions, and business. Rev. Janet Parker offered a biblical and theological perspective. Rock Spring member Leslie Nickel, a partner from Arnold and Porter LLP, discussed possible legal implications. Claire Gastañaga of the Commonwealth Coalition suggested various ways in which individual citizens could get involved to defeat the amendment in November. Tapes of the teach-in and tape players are available from Lisa Mikell.

Virginia already has a 30-year old statute that prohibits same-gender marriage. House Bill 751—Rock Spring participated in a protest against it at the Fairfax Government Center in June 2004—prohibits a civil union, a partnership contract, or any other arrangement between persons of the same sex purporting to bestow the privileges or obligations of marriage. The proposed amendment, which contains the following language, would ensure that HB 751 could not be challenged on constitutional grounds.

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.

Pointing out that this is the most extreme constitutional amendment presented in any state, the speakers warned that this vague language would have far-reaching and largely unknown consequences for all unmarried people. What happens to wills, trusts, private contracts, and powers of attorney between people other than married couples? Courts will now be charged to determine the intent of all these documents. Leslie Nickel highlighted the potential threat the amendment poses to protective orders and safeguards for unmarried victims of domestic violence by barring all legal recognition of unmarried family or household members. In Ohio,

where similar measures have been passed, the state Supreme Court has agreed to consider whether domestic violence laws as applied to unmarried people are unconstitutional.

Janet Parker discussed how useful insights might be gleaned from the Bible. Beyond Genesis 2, the Bible provides for much greater variety of family structures than that of a modern nuclear family. It is particularly instructive to see how Jesus interpreted the Torah: he regularly violated the Sabbath, basing his yardstick on compassion and human need rather than legalistic interpretation. Acts 10 and 11 demonstrate that the early church followed a trajectory of inclusiveness. These observations are contrary to the text and intentions of the constitutional amendment.