



Legislation Text

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Res. No. 759

Resolution calling on the United States Congress to pass H.R. 1116/S.598, the Respect for Marriage Act of 2011.

By Council Member Dromm, the Speaker (Council Member Quinn) and Council Members Van Bramer, Mendez, Brewer, Chin, James, Koppell, Koslowitz, Lander, Palma and Mark-Viverito

Whereas, Civil marriage confers upon couples a legal structure unlike any other that honors and protects a relationship, supports a family and its children, and provides couples with the advantage of a single legal, social and financial unit; and

Whereas, Marriage is the most intimate, private and personal relationship, and one of the most important elective relationships in life; and

Whereas, The choice of whom to marry must be recognized as a fundamental civil right; and

Whereas, Only civil marriage conveys the full weight of societal acceptance, a trait sadly lacking from civil union or domestic partnership structures that, in their very distinction from marriage, reinforce a second-class status; and

Whereas, Absent marriage rights, gay and lesbian Americans have to fight and spend large sums of money on legal services to secure basic guarantees that are automatically bestowed upon heterosexual couples when they wed; and

Whereas, In 1996, President Bill Clinton signed into law the Defense of Marriage Act (DOMA), which precludes recognition of legally married same-sex couples for purposes of federal law and which purports to allow states to refuse to recognize marriages between same-sex partners performed in other jurisdictions; and

Whereas, Although marriages between same-sex partners were not being performed or recognized by

any state at the time that DOMA was signed into law, such marriages are now performed and recognized in Massachusetts, Connecticut, Iowa, New Hampshire, Vermont and the District of Columbia, with other states, including New York, recognizing marriages between same-sex partners performed by sister states; and

Whereas, DOMA denies legally married same-sex couples over 1,100 federal benefits associated with marriage, including the ability to file taxes jointly, sponsor one's spouse for immigration purposes, receive a spouse's healthcare and retirement benefits, and the right to visit a spouse who has been hospitalized; and

Whereas, Since DOMA's passage, both President Clinton and DOMA's sponsor, former Representative Bob Barr, have changed their positions, coming out against the law and calling for its repeal; and

Whereas, On March 16, 2011, Senator Diane Feinstein (D-CA) and Congressman Jerrold Nadler (D-NY) introduced H.R. 1116/S.598, the Respect for Marriage Act of 2011, which would repeal DOMA and allow legally married same-sex couples to receive all the federal benefits associated with marriage; and

Whereas, If passed, the Respect for Marriage Act would repeal Section 2 of DOMA, which purports to allow states to refuse recognition of same-sex marriages legally performed in other states, as well as Section 3, which defines marriage for purpose of federal law as between "one man and one woman as husband and wife"; and

Whereas, If passed, the Respect for Marriage Act would also require, for purposes of federal law, respect for marriages valid under the law of the state where performed, thereby ensuring a uniform national policy of stability and preventing subsequent invalidation or disregard of lawful marriages for purposes of federal responsibilities and rights; and

Whereas, The repeal of Section 2 would allow states to decide whether to recognize a marriage for purposes of state law based on longstanding principles of full faith and credit and comity, and would not compel any person, religious organization, city or state to perform marriages for same-sex couples or to recognize such marriages performed elsewhere; and

Whereas, By repealing Section 3 of DOMA, and requiring respect for marriages valid under the law of

the state where performed for purposes of federal law, the Respect for Marriage Act would ensure that legally married same-sex couples enjoy the same myriad rights and responsibilities that are currently afforded opposite sex married couples under federal law; and

Whereas, In a country where citizens are supposed to have the inalienable rights to life, liberty and the pursuit of happiness, it is inappropriate that there should exist any law that would limit one's full exercise of them; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass H.R. 1116/S.598, the Respect for Marriage Act of 2011.

DMB
LS# 735
3/17/11