

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[Supporting AB19 – Religious Freedom and Civil Marriage Act]

Resolution urging the California Assembly and Senate and the Governor of California to support Assembly Bill 19 (AB19), the “Religious Freedom and Civil Marriage Act”, which defines marriage as a civil contract between two people.

WHEREAS, Existing law provides that marriage is a personal relation arising out of a civil contract between a man and a woman; and

WHEREAS, From 1850 to 1977, the statutory definition of marriage in California was gender-neutral, containing no reference to “man” or “woman”; and

WHEREAS, In 1948, the California Supreme Court became the first state court in the country to strike down a law prohibiting interracial marriage and the only state supreme court to do so before the United States Supreme Court invalidated all those laws in 1967; and

WHEREAS, The California Supreme Court held that, “marriage is something more than a civil contract subject to regulation by the state and it is a fundamental right of free men and legislation infringing such rights must be based upon more than prejudice and must be free from oppressive discrimination to comply with the constitutional requirement of due process and equal protection of the laws” (Perez v. Sharp 1948); and

WHEREAS, In 1977, the Legislature amended the state's marriage law to specify that, since, as a matter of state law, the gender-neutral definition of marriage could permit same-sex couples to marry and have access to equal rights, the gender-neutral definition would be changed. The gender-specific definition of marriage that the Legislature adopted specifically discriminated in favor of different-sex couples and, consequently, discriminated and continues to discriminate against same-sex couples; and

WHEREAS, The highest courts in three states, Hawaii, Vermont, and Massachusetts, have held that denying the legal rights and obligations of marriage to same-sex couples is constitutionally suspect or impermissible under their respective state constitutions; and

Supervisors Ammiano, Dufty
BOARD OF SUPERVISORS

1 WHEREAS, The highest courts in seven Canadian provinces have similarly ruled
2 that marriage laws that discriminate in favor of different-sex couples to the exclusion of same-
3 sex couples violate the rights of same-sex couples and cannot stand; and

4 WHEREAS, California's discriminatory exclusion of same-sex couples from marriage
5 violates the California Constitution's guarantee of due process, privacy, equal protection of the
6 law, and free expression by arbitrarily denying equal marriage rights to lesbian, gay, and
7 bisexual individuals; and

8 WHEREAS, California's discriminatory exclusion of same-sex couples from marriage
9 harms same-sex couples and their families by denying those couples and their families
10 specific legal rights and responsibilities under state law and by depriving members of those
11 couples and their families of a legal basis to challenge federal laws that deny access to the
12 many important federal benefits and obligations provided only to spouses. Those federal
13 benefits include the right to file joint federal income tax returns, the right to sponsor a partner
14 for immigration to the United States, the right to Social Security survivor benefits, the right to
15 family and medical leave, and many other substantial benefits and obligations; and

16 WHEREAS, Other jurisdictions have chosen to treat as valid or otherwise recognize
17 marriages between same-sex couples. California's discriminatory marriage law therefore also
18 harms California's same-sex couples when they travel to other jurisdictions by preventing
19 them from having access to the rights, benefits, and protections those jurisdictions provide
20 only to married couples; and

21 WHEREAS, California's discriminatory exclusion of same-sex couples from marriage
22 further harms same-sex couples and their families by denying them the unique public
23 recognition and affirmation that marriage confers on heterosexual couples; and

24 WHEREAS, The City and County of San Francisco has an interest in encouraging
25 stable relationships regardless of the gender or sexual orientation of the partners, and the
benefits that accrue to the general community when couples undertake the mutual obligations
of marriage accrue regardless of the gender or sexual orientation of the partners; and

WHEREAS, It is also in the interest of the City and County of San Francisco that the
pernicious practice of marriage discrimination in California is ended; therefore, be it

Supervisors Ammiano
BOARD OF SUPERVISORS

1 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
2 strongly urges the California Assembly and Senate and the Governor of California to support
3 Assembly Bill 19 (AB19), the "Religious Freedom and Civil Marriage Act", which defines
4 marriage as a civil contract between two people; and be it

5 FURTHER RESOLVED, That the Board of Supervisors direct the Clerk of the Board
6 to send copies of this resolution, upon passage, to California Assembly and Senate and the
7 Governor of California.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Supervisors Ammiano
BOARD OF SUPERVISORS



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 041701

Date Passed:

Resolution urging the California Assembly and Senate and the Governor of California to support Assembly Bill 19 (AB19), the "Religious Freedom and Civil Marriage Act", which defines marriage as a civil contract between two people.


December 14, 2004 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell,
McGoldrick, Peskin, Sandoval

Excused: 1 - Alioto-Pier

File No. 041701

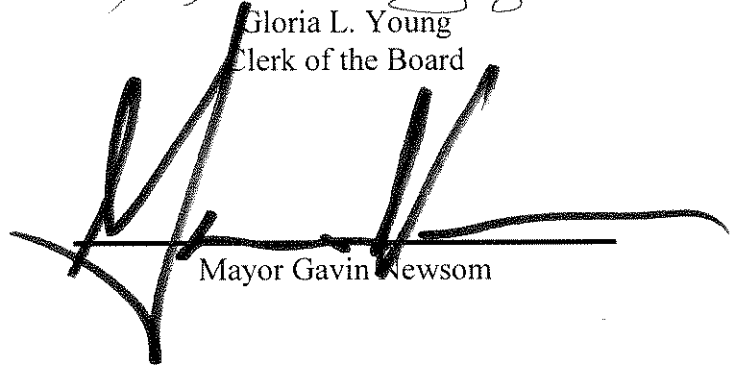
I hereby certify that the foregoing Resolution was ADOPTED on December 14, 2004 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

12/24/04

Date Approved



Mayor Gavin Newsom