

Help Virginia Make the Right Kind of History

by Claire Guthrie **Gastañaga**

On Tuesday, November 7, Virginians have a date with history. On that day, we decide whether to put the Commonwealth of Virginia back on the path of intolerance she has walked before—or to begin the celebration of Virginia's 400 years of history by saying no to writing discrimination into our constitution.

When Virginia voters go to the polls on November 7, we will be asked not just to choose our next Senator and congressman. We will be asked in Ballot Question #1 whether we want to amend Virginia's bill of rights to take away rights from unmarried Virginians, gay or straight, young or old.

The first thing every Virginian concerned about history must do is register and vote. Then, to fulfill our sacred responsibility in the voting booth on November 7, we must read the entire text of the proposed constitutional amendment presented in Ballot Question #1.

Here's what it says, including all of the fine print:

"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?"

Proponents of Ballot Question #1, the so-called marriage amendment, are working hard to convince voters that this language does no more than define marriage. They have enlisted Virginia's current Attorney General in this cause, and he has written an "official opinion" that strains to read the last two sentences out of the proposal.

But voters, like you, need only apply common sense to know that this proposal includes a lot of legal nonsense.



Vote No to Discrimination

And, as a smart voter, you should ask, if defining marriage were the sole purpose of the proposed amendment, what are all those other words for?

More than 125 lawyers and legal scholars, including two former attorneys general and a former Republican candidate for attorney general and governor, have signed on to a 70-page legal memo that says that all those other words in this proposal will open a Pandora's box of litigation and could have serious legal consequences for all unmarried Virginians.

The Virginia Legal Review Committee says that Virginia's proposed amendment goes far beyond that adopted in any other state, and threatens domestic violence protections for unmarried individuals and the enforceability of legal agreements between unmarried couples that: i) provide for guardianship of children; ii) transfer property; or iii) determine who will make medical or end-of-life decisions. You can read all 70 pages of the Review Committee's legal memo (or an executive summary) and the list of lawyers who have signed on to it at www.voteNOva.org/legalreview.

The best we can say now is that we have dueling legal opinions, written by reasonable lawyers whose professional reputation is unquestioned, about the meaning and effect of the proposed amendment.

Would you sign a contract where two good lawyers had told you it said completely different and opposite things? Certainly not.

Why, then, would you vote to amend our constitution to include language not even the lawyers can understand? The answer is, you wouldn't.

The last time Virginians amended our constitution to take away rights was in 1902 when there was a focused effort to write black citizens out of our body politic by writing the poll tax and the literacy test requirements into our constitution to disenfranchise black voters.

On the eve of the 400th anniversary of our founding at Jamestown, we should not accept the invitation to write all unmarried Virginians out of our constitution. We should, as conservative federal judge Judge J. Harvie Wilkinson has recommended, leave our constitution alone.

Please join the League of Women Voters of Virginia, the Norfolk Retail Alliance, the Greater Falls Church Chamber of Commerce, Equality Virginia, the AFL-CIO, the Virginia Sexual and Domestic Violence Action Alliance and the NAACP, and many faith communities, churches and synagogues in opposing this ill-considered and far-reaching effort to rewrite Virginia's bill of rights.

Vote no on November 7 to Ballot Question #1. If you do, you'll be saying no to writing discrimination into our constitution, and you'll be a part of putting Virginia on the right side of history.

Register to Vote

A resident of Virginia can register to vote by downloading and printing an application from the Virginia State Board of Elections Web site at www.sbe.virginia.gov. Applications are also available at local voter registration offices or designated agencies, including public libraries and DMV locations. Applications must be completed and postmarked or delivered in person 29 days before the election. A voter card will be mailed after application approval.

An absentee ballot can be obtained from the above Web site or voter registration office. In order to receive a ballot by mail, the application must be delivered to the voter registration office by the Tuesday before election day.

Ms. Gastañaga was the first woman to serve as Chief Deputy Attorney General of Virginia. She is the campaign manager for The Commonwealth Coalition, a multi-partisan coalition of more than 100 organizations, businesses and faith communities opposed to Ballot Question #1.