

In May 2012, the citizens of North Carolina will be given the opportunity to vote on House Bill 777/Senate Bill 106. While this is commonly called the “Defense of Marriage Amendment,” it is also known as the Anti-LGBT Amendment because it is discriminatory against lesbian, gay, bisexual and transgender North Carolinians.

If passed, the amendment will enshrine discrimination into the state’s constitution, a document which is intended to protect the citizens of the State. In addition, the amendment contradicts two Sections of Article I of the North Carolina State Constitution.

Section 1 declares:

“We hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.”

And Section 19 states:

*“No person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin.”*

These Sections are designed to preserve and protect the liberty of all North Carolina citizens, including those in the minority. Inclusion of a discriminatory amendment violates the spirit and letter of these existing Sections.

The Social Action Committee believes that this amendment is a dangerous, unprecedented attack on the rights of its citizens and that it should not be passed. We recommend that the Board of Trustees of the Judea Reform Congregation pass the resolution presented below and work with other faith-based organizations to block the passage of this legislation.

The Union of Reform Judaism has long held an inclusive position with respect to our LGBT members. Repeatedly, the Union for Reform Judaism (URJ), the Central Conference of American Rabbis (CCAR) and the Religious Action Center (RAC) have passed resolutions affirming our belief that all people are created in the divine image. As a corollary to this basic tenet, the Reform Movement has been in the vanguard of support for the full recognition of equality for lesbians and gays both within our congregations and in all walks of life. Most recently, the CCAR passed a resolution supporting the right of gay and lesbian couples to share fully and equally in the rights of civil marriage and to oppose governmental efforts to ban gay and lesbian marriage. Clearly, the proposed constitutional amendment is anathema to the unequivocal position endorsed by the Reform movement and for this reason alone, we believe that the Judea Reform Congregation should pass its own resolution against the proposed Anti-LGBT amendment.

We also believe that there is a long list of equally compelling reasons why the proposed amendment should be defeated. Several of these reasons are listed below:

The Anti-LGBT amendment is redundant and is an unnecessary use of legislative time and resources. Same-sex marriage is already illegal in North Carolina under the North Carolina General Statute (NCGS) § 51.1-2. While the SAC disagrees with this law, we cannot deny that NCGS § 51.1-2 exists making the proposed Amendment redundant.

The Anti-LGBT Amendment is bad for business and will cause real harm to North Carolina's ability to support businesses in the State. The proposed amendment is broadly written and defines marriage as the "only domestic union" that can be "valid or recognized in this state." This wording has caused many business leaders across the state to comment that passage of the Amendment will have a chilling effect on their ability to recruit qualified employees, because the ability of private businesses and governmental employers to offer domestic partner benefits will be jeopardized. Political figures as polarized as Governor Beverly Purdue (D) and U.S. Representative Renee Ellmers (R) recognize the effect that this Amendment may have on the fragile NC economy and have voiced opposition to its passage for these reasons.

The Anti-LGBT Amendment has the potential to invalidate protections for members of same-sex domestic partnerships. Again, because the Amendment is so broadly written, passage of the amendment will deny to opposite-sex domestic partners the legal rights typically extended to married opposite-sex couples (e.g., employer-sponsored family medical benefits, short- and long-term disability benefits, child custody and visitation rights and end-of-life arrangements).

For all of these reasons, the Social Action Committee requests the Board of Trustees to pass the following resolution:

The Board of Trustees of Judea Reform Congregation unequivocally endorses the public position of the Reform Movement which supports the right of gay and lesbian couples to share fully and equally in the rights of civil marriage. As such, we oppose all governmental efforts to ban gay and lesbian marriage while we honor all monogamous domestic relationships including those formed by gay and lesbian couples. Therefore, we resolve to work to defeat the passage of the Anti-LGBT Amendment of the NC constitution.

Signed:

Board of Trustees, Judea Reform Congregation

Resolved, October 25, 2011