

RESOLUTION NO.

WHEREAS, the U.S. Supreme Court has held more than a dozen times that marriage is a key right of the American people and in the 1967 landmark case *Loving v. Virginia* wrote, “Marriage is one of the ‘basic civil rights of man,’ fundamental to our very existence and survival; and

WHEREAS, federal courts in California have ruled that California’s Proposition 8, which stripped marriage rights from same-sex couples, violates the U.S. Constitution; and

WHEREAS, federal courts in Massachusetts, California, New York, and Connecticut have ruled that the federal government’s refusal to recognize lawful marriages of same-sex couples under the Defense of Marriage Act (DOMA) is unconstitutional; and

WHEREAS, the Obama administration announced on February 23, 2011 that the U.S. Justice Department would no longer defend DOMA’s denial of federal recognition to married same-sex couples in federal court; and

WHEREAS, Massachusetts, Connecticut, Iowa, Vermont, the District of Columbia, New Hampshire, New York, Washington, and Maryland have now legalized marriage for same-sex couples; and

WHEREAS, the Texas Constitution Bill of Rights in Article I, Section 3 states “all free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services”; and

WHEREAS, the Texas Constitutional Marriage Amendment appears as Article I, Section 32 of the Texas Constitution Bill of Rights and undermines Article I, Section 3 of the Bill of Rights by denying equal rights to a specific group of Texans; and

WHEREAS, efforts by the State of Texas to prohibit marriage recognition of same-sex couples are discriminatory and undermine the moral integrity of our citizens; and

WHEREAS, the State of Texas' adoption of a state Constitutional amendment limiting marriage and civil unions to one man and one woman is inconsistent with the City of Austin's commitment to equal rights and opportunities for its residents and employees; and

WHEREAS, recent polls show that allowing same-sex couples to marry is now supported by a majority of Americans and in 2010 a University of Texas/Texas Tribune poll showed that 63% of Texans now support some form of legal recognition for same-sex couples, either marriage or civil unions, thereby demonstrating a major shift in public opinion on this subject among Americans, and Texans in particular, since the Texas Constitutional Marriage Amendment was adopted in 2005; and

WHEREAS, more than 175 mayors from 32 states, including the mayors of several cities including Austin, Galveston, Houston and San Antonio in Texas, have signed a petition in support of marriage equality; and

WHEREAS, the City of Austin proudly embraces the diversity of all its residents; and

WHEREAS, the City has adopted a series of non-discrimination ordinances in the areas of housing, public accommodation, and employment, grounded in a policy that is established upon a recognition of the inalienable rights of each individual to obtain housing, to obtain goods and services in a public accommodation, and to work to earn wages and obtain a share of the wealth of this City through gainful employment, without regard to race, color, creed, religion, sex, national origin, disability, student status, marital status, familial status, sexual orientation, gender identity, or age; and

WHEREAS, the City recognizes that the denial of such rights through considerations based on race, color, creed, religion, sex, national origin, disability, student status, marital status, familial status, sexual orientation, gender identity, or age, is detrimental to the health, safety and welfare of the inhabitants of the City and constitutes an unjust denial or deprivation of such inalienable rights which is within the power and the proper responsibility of the government to prevent; and

WHEREAS, marriage provides legal and economic protections including access to health care, parenting rights, property rights, and other protections which are vital to the safety and security of every family; and

WHEREAS, marriage is a powerful and important affirmation of love and commitment and a source of social support and recognition; and

WHEREAS, all couples in loving and committed relationships should be given the opportunity to create stronger and more successful families through civil marriage; and

WHEREAS, it is the intent of civil rights organizations in the State of Texas including Equality Texas, the Human Rights Campaign, the Anti-Defamation League, the National Association for the Advancement of Colored People (etc...) to end discrimination in marriage based on gender and sexual orientation in Texas, to ensure that all persons in this state may enjoy the freedom to marry on equal terms; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That we support marriage equality in the State of Texas.

ADOPTED: _____, 2012

ATTEST: _____

Shirley A. Gentry
City Clerk