

Virginia is now one of 16 States which prohibit and punish marriages on the basis of racial classifications.⁵ Penalties for miscegenation arose as an incident to slavery and have been common in Virginia since the colonial period.⁶ The present statutory scheme dates from the adoption of the Racial Integrity Act of 1924, passed during the period of extreme nativism which followed the end of the First World War. The central features of this Act, and current Virginia law, are the absolute prohibition of a "white person" marrying other than another "white person,"⁷ a prohibition against issuing marriage licenses until the issuing official is satisfied that

⁵ After the initiation of this litigation, Maryland repealed its prohibitions against interracial marriage, Md. Laws 1967, c. 6, leaving Virginia and 15 other States with statutes outlawing interracial marriage: Alabama, Ala. Const., Art. 4, § 102, Ala. Code, Tit. 14, § 360 (1958); Arkansas, Ark. Stat. Ann. § 55-104 (1947); Delaware, Del. Code Ann., Tit. 13, § 101 (1953); Florida, Fla. Const., Art. 16, § 24, Fla. Stat. § 741.11 (1965); Georgia, Ga. Code Ann. § 53-106 (1961); Kentucky, Ky. Rev. Stat. Ann. § 402.020 (Supp. 1966); Louisiana, La. Rev. Stat. § 14:79 (1950); Mississippi, Miss. Const., Art. 14, § 263, Miss. Code Ann. § 459 (1956); Missouri, Mo. Rev. Stat. § 451.020 (Supp. 1966); North Carolina, N. C. Const., Art. XIV, § 8, N. C. Gen. Stat. § 14-181 (1953); Oklahoma, Okla. Stat., Tit. 43, § 12 (Supp. 1965); South Carolina, S. C. Const., Art. 3, § 33, S. C. Code Ann. § 20-7 (1962); Tennessee, Tenn. Const., Art. 11, § 14, Tenn. Code Ann. § 36-402 (1955); Texas, Tex. Pen. Code, Art. 492 (1952); West Virginia, W. Va. Code Ann. § 4697 (1961).

Over the past 15 years, 14 States have repealed laws outlawing interracial marriages: Arizona, California, Colorado, Idaho, Indiana, Maryland, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming.

The first state court to recognize that miscegenation statutes violate the Equal Protection Clause was the Supreme Court of California. *Perez v. Sharp*, 32 Cal. 2d 711, 198 P. 2d 17 (1948).

⁶ For a historical discussion of Virginia's miscegenation statutes, see Wadlington, *supra*, n. 4.

⁷ Va. Code Ann. § 20-54 (1960 Repl. Vol.).

the applicants' statements as to their race are correct,⁸ certificates of "racial composition" to be kept by both local and state registrars,⁹ and the carrying forward of earlier prohibitions against racial intermarriage.¹⁰

I.

In upholding the constitutionality of these provisions in the decision below, the Supreme Court of Appeals of Virginia referred to its 1955 decision in *Naim v. Naim*, 197 Va. 80, 87 S. E. 2d 749, as stating the reasons supporting the validity of these laws. In *Naim*, the state court concluded that the State's legitimate purposes were "to preserve the racial integrity of its citizens," and to prevent "the corruption of blood," "a mongrel breed of citizens," and "the obliteration of racial pride," obviously an endorsement of the doctrine of White Supremacy. *Id.*, at 90, 87 S. E. 2d, at 756. The court also reasoned that marriage has traditionally been subject to state regulation without federal intervention, and, consequently, the regulation of marriage should be left to exclusive state control by the Tenth Amendment.

While the state court is no doubt correct in asserting that marriage is a social relation subject to the State's police power, *Maynard v. Hill*, 125 U. S. 190 (1888), the State does not contend in its argument before this Court that its powers to regulate marriage are unlimited notwithstanding the commands of the Fourteenth Amendment. Nor could it do so in light of *Meyer v. Nebraska*, 262 U. S. 390 (1923), and *Skinner v. Oklahoma*, 316 U. S. 535 (1942). Instead, the State argues that the meaning of the Equal Protection Clause, as illuminated by the statements of the Framers, is only that state penal laws containing an interracial element

⁸ Va. Code Ann. § 20-53 (1960 Repl. Vol.).

⁹ Va. Code Ann. § 20-50 (1960 Repl. Vol.).

¹⁰ Va. Code Ann. § 20-54 (1960 Repl. Vol.).

as part of the definition of the offense must apply equally to whites and Negroes in the sense that members of each race are punished to the same degree. Thus, the State contends that, because its miscegenation statutes punish equally both the white and the Negro participants in an interracial marriage, these statutes, despite their reliance on racial classifications, do not constitute an invidious discrimination based upon race. The second argument advanced by the State assumes the validity of its equal application theory. The argument is that, if the Equal Protection Clause does not outlaw miscegenation statutes because of their reliance on racial classifications, the question of constitutionality would thus become whether there was any rational basis for a State to treat interracial marriages differently from other marriages. On this question, the State argues, the scientific evidence is substantially in doubt and, consequently, this Court should defer to the wisdom of the state legislature in adopting its policy of discouraging interracial marriages.

Because we reject the notion that the mere "equal application" of a statute containing racial classifications is enough to remove the classifications from the Fourteenth Amendment's proscription of all invidious racial discriminations, we do not accept the State's contention that these statutes should be upheld if there is any possible basis for concluding that they serve a rational purpose. The mere fact of equal application does not mean that our analysis of these statutes should follow the approach we have taken in cases involving no racial discrimination where the Equal Protection Clause has been arrayed against a statute discriminating between the kinds of advertising which may be displayed on trucks in New York City, *Railway Express Agency, Inc. v. New York*, 336 U. S. 106 (1949), or an exemption in Ohio's ad valorem tax for merchandise owned by a non-resident in a storage warehouse, *Allied Stores of Ohio,*

Inc. v. Bowers, 358 U. S. 522 (1959). In these cases, involving distinctions not drawn according to race, the Court has merely asked whether there is any rational foundation for the discriminations, and has deferred to the wisdom of the state legislatures. In the case at bar, however, we deal with statutes containing racial classifications, and the fact of equal application does not immunize the statute from the very heavy burden of justification which the Fourteenth Amendment has traditionally required of state statutes drawn according to race.

The State argues that statements in the Thirty-ninth Congress about the time of the passage of the Fourteenth Amendment indicate that the Framers did not intend the Amendment to make unconstitutional state miscegenation laws. Many of the statements alluded to by the State concern the debates over the Freedmen's Bureau Bill, which President Johnson vetoed, and the Civil Rights Act of 1866, 14 Stat. 27, enacted over his veto. While these statements have some relevance to the intention of Congress in submitting the Fourteenth Amendment, it must be understood that they pertained to the passage of specific statutes and not to the broader, organic purpose of a constitutional amendment. As for the various statements directly concerning the Fourteenth Amendment, we have said in connection with a related problem, that although these historical sources "cast some light" they are not sufficient to resolve the problem; "[a]t best, they are inconclusive. The most avid proponents of the post-War Amendments undoubtedly intended them to remove all legal distinctions among 'all persons born or naturalized in the United States.' Their opponents, just as certainly, were antagonistic to both the letter and the spirit of the Amendments and wished them to have the most limited effect." *Brown v. Board of Education*, 347 U. S. 483, 489 (1954). See also *Strauder*

v. *West Virginia*, 100 U. S. 303, 310 (1880). We have rejected the proposition that the debates in the Thirty-ninth Congress or in the state legislatures which ratified the Fourteenth Amendment supported the theory advanced by the State, that the requirement of equal protection of the laws is satisfied by penal laws defining offenses based on racial classifications so long as white and Negro participants in the offense were similarly punished. *McLaughlin v. Florida*, 379 U. S. 184 (1964).

The State finds support for its "equal application" theory in the decision of the Court in *Pace v. Alabama*, 106 U. S. 583 (1883). In that case, the Court upheld a conviction under an Alabama statute forbidding adultery or fornication between a white person and a Negro which imposed a greater penalty than that of a statute proscribing similar conduct by members of the same race. The Court reasoned that the statute could not be said to discriminate against Negroes because the punishment for each participant in the offense was the same. However, as recently as the 1964 Term, in rejecting the reasoning of that case, we stated "*Pace* represents a limited view of the Equal Protection Clause which has not withstood analysis in the subsequent decisions of this Court." *McLaughlin v. Florida, supra*, at 188. As we there demonstrated, the Equal Protection Clause requires the consideration of whether the classifications drawn by any statute constitute an arbitrary and invidious discrimination. The clear and central purpose of the Fourteenth Amendment was to eliminate all official state sources of invidious racial discrimination in the States. *Slaughter-House Cases*, 16 Wall. 36, 71 (1873); *Strauder v. West Virginia*, 100 U. S. 303, 307-308 (1880); *Ex parte Virginia*, 100 U. S. 339, 344-345 (1880); *Shelley v. Kraemer*, 334 U. S. 1 (1948); *Burton v. Wilmington Parking Authority*, 365 U. S. 715 (1961).

There can be no question but that Virginia's miscegenation statutes rest solely upon distinctions drawn according to race. The statutes proscribe generally accepted conduct if engaged in by members of different races. Over the years, this Court has consistently repudiated "[d]istinctions between citizens solely because of their ancestry" as being "odious to a free people whose institutions are founded upon the doctrine of equality." *Hirabayashi v. United States*, 320 U. S. 81, 100 (1943). At the very least, the Equal Protection Clause demands that racial classifications, especially suspect in criminal statutes, be subjected to the "most rigid scrutiny," *Korematsu v. United States*, 323 U. S. 214, 216 (1944), and, if they are ever to be upheld, they must be shown to be necessary to the accomplishment of some permissible state objective, independent of the racial discrimination which it was the object of the Fourteenth Amendment to eliminate. Indeed, two members of this Court have already stated that they "cannot conceive of a valid legislative purpose . . . which makes the color of a person's skin the test of whether his conduct is a criminal offense." *McLaughlin v. Florida, supra*, at 198 (STEWART, J., joined by DOUGLAS, J., concurring).

There is patently no legitimate overriding purpose independent of invidious racial discrimination which justifies this classification. The fact that Virginia prohibits only interracial marriages involving white persons demonstrates that the racial classifications must stand on their own justification, as measures designed to maintain White Supremacy.¹¹ We have consistently denied

¹¹ Appellants point out that the State's concern in these statutes, as expressed in the words of the 1924 Act's title, "An Act to Preserve Racial Integrity," extends only to the integrity of the white race. While Virginia prohibits whites from marrying any nonwhite (subject to the exception for the descendants of Pocahontas), Negroes, Orientals, and any other racial class may intermarry with-

the constitutionality of measures which restrict the rights of citizens on account of race. There can be no doubt that restricting the freedom to marry solely because of racial classifications violates the central meaning of the Equal Protection Clause.

II.

These statutes also deprive the Lovings of liberty without due process of law in violation of the Due Process Clause of the Fourteenth Amendment. The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men.

Marriage is one of the "basic civil rights of man," fundamental to our very existence and survival. *Skinner v. Oklahoma*, 316 U. S. 535, 541 (1942). See also *Maynard v. Hill*, 125 U. S. 190 (1888). To deny this fundamental freedom on so unsupportable a basis as the racial classifications embodied in these statutes, classifications so directly subversive of the principle of equality at the heart of the Fourteenth Amendment, is surely to deprive all the State's citizens of liberty without due process of law. The Fourteenth Amendment requires that the freedom of choice to marry not be restricted by invidious racial discriminations. Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the State.

These convictions must be reversed. *It is so ordered.*

out statutory interference. Appellants contend that this distinction renders Virginia's miscegenation statutes arbitrary and unreasonable even assuming the constitutional validity of an official purpose to preserve "racial integrity." We need not reach this contention because we find the racial classifications in these statutes repugnant to the Fourteenth Amendment, even assuming an even-handed state purpose to protect the "integrity" of all races.

MR. JUSTICE STEWART, concurring.

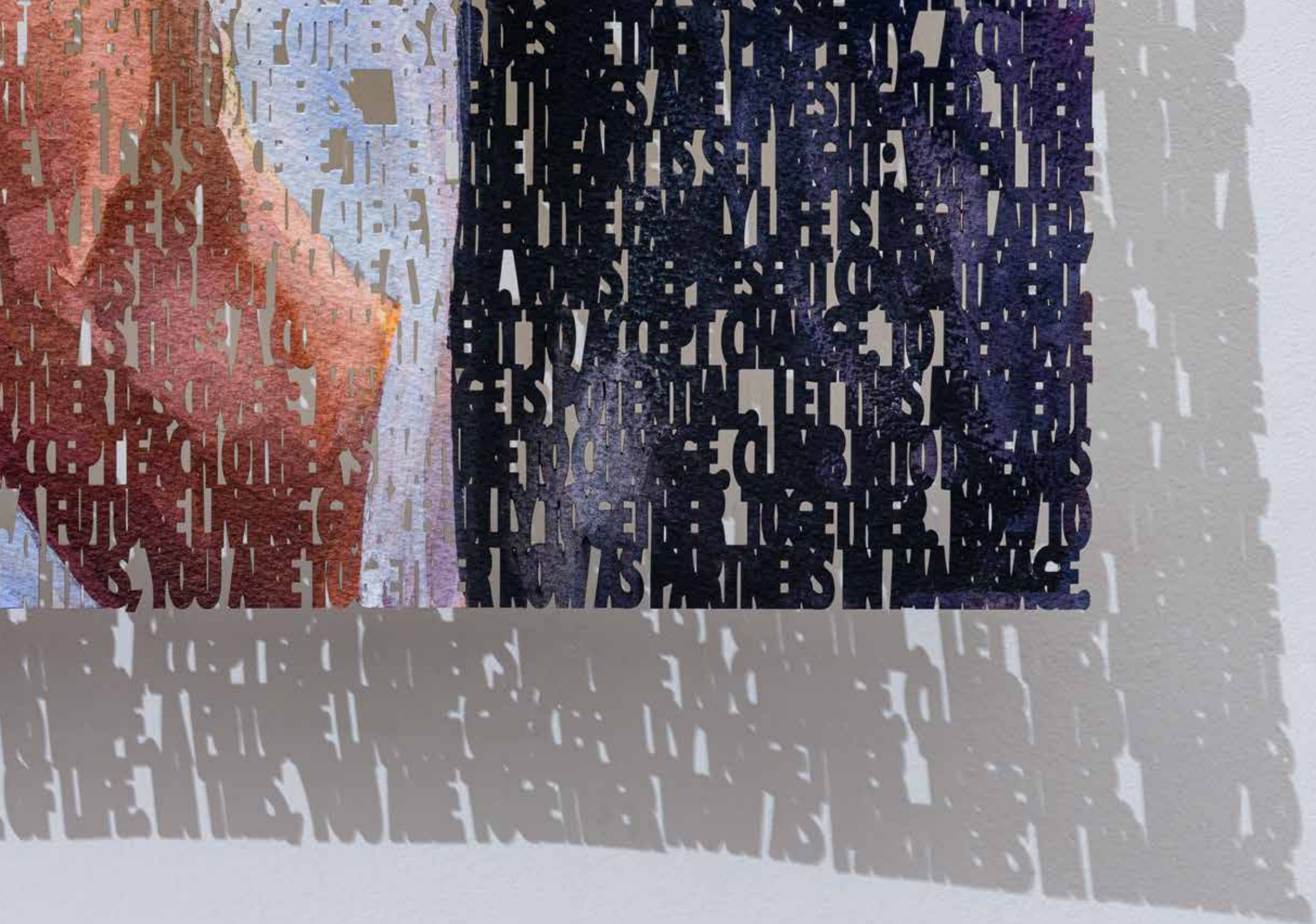
I have previously expressed the belief that "it is simply not possible for a state law to be valid under our Constitution which makes the criminality of an act depend upon the race of the actor." *McLaughlin v. Florida*, 379 U. S. 184, 198 (concurring opinion). Because I adhere to that belief, I concur in the judgment of the Court.

Interfaith Marriage

Interfaith Marriage, (wedding vows)
laser cut watercolor painting on paper, 37.5 x 28 inches ©2020







Interfaith Wedding Vows

Love is patient, love is kind. It does not envy, it does not boast, it is not proud. It is not rude, it is not self-seeking, it is not easily angered, it keeps no record of wrongs. Love does not delight in evil but rejoices with the truth. 1 Corinthians 13 esv - the way of love English standard version bible. I take you as you are, loving who you are now and who you are yet to become. I promise to listen to you and learn from you, to support you and accept your support. I will celebrate your triumphs and mourn your losses as though they were my own. I will love you and have faith in your love for me, through all our years and all that life may bring us. Behold, you are consecrated to me with this ring according to the laws of Moses and Israel. I betroth you to myself forever; I betroth you to myself in righteousness and in justice, in love and in mercy; I betroth you to myself in faithfulness, and you shall know god. By this ring you are sanctified to me as my wife in accordance with the traditions of Moses and Israel. Wear me as a seal upon your heart, as a seal upon your arm, for love is infinitely strong. Many waters cannot quench love, no flood can sweep it away, I am my beloved's and my beloved is mine. Be a companion and a spouse to me according to the laws of Moses and Israel, with your consent and with your full knowledge. May this marriage be a covenant of partnership and trust as we work to build a life together: sometimes in unison, sometimes in harmony. Let me bind myself to you with respect, with love, with friendship and with joy, so that we may be companions and lovers until the end of days. I take you as my wedded spouse and I promise you love, honor and respect; to be faithful to you, and not to forsake you until death do us part. I pledge to love, comfort, honor and keep you for better or worse, for richer or poorer, in sickness and health, and forsaking all others, be faithful only to you for as long as we both shall live. Let your love be stronger than your anger. Learn the wisdom of compromise, for it is better to bend than to break. Look for the best in your beloved rather than the worst. Confide in your partner and ask for help when you need it. Remember that true friendship is the basis for any lasting relationship. Give your spouse the same courtesies and kindnesses you bestow on your friends. Say "I love you" every day. Marriage is a precious gift; a lifelong

dedication to love and a daily challenge to love one another more fully and more freely. May the sun bring you new energy by day. May the moon softly restore you by night. May the rain wash away your worries. And may you live the days of your lives in peace, love, and happiness. I take you to be no other than yourself. Loving what I know of you, trusting what I do not yet know, I will respect your integrity and have faith in your abiding love for me, through all our years, and in all that life may bring us. I take you as my spouse, with your faults and your strengths, as I offer myself to you with my faults and my strengths. I will help you when you need help, and turn to you when I need help. I choose you as the person with whom I will spend my life. Now you will feel no rain, for each of you will be shelter for the other. Now you will feel no cold, for each of you will be warmth to the other. Now there will be no loneliness, for each of you will be companion to the other. Now you are two persons, but there is only one life before you. May beauty surround you both in the journey ahead and through all the years, may happiness be your companion and your days together be good and long upon the earth. Treat yourselves and each other with respect, and remind yourselves often of what brought you together. Give the highest priority to the tenderness, gentleness and kindness that your connection deserves. When frustration, difficulties and fear assail your relationship, as they threaten all relationships at one time or another, remember to focus on what is right between you, not only the part which seems wrong. In this way, you can ride out the storms when clouds hide the face of the sun in your lives - remembering that even if you lose sight of it for a moment, the sun is still there. And if each of you takes responsibility for the quality of your life together, it will be marked by abundance and delight. Great spirit, give us hearts to understand never to take from creation's beauty more than we give, never to destroy want only for the furtherance of greed, never to deny to give our hands for the building of earth's beauty, never to take from her what we cannot use. Give us hearts to understand that to destroy earth's music is to create confusion, that to wreck her appearance is to blind us to beauty, that to callously pollute her fragrance is to make a house of stench, that as we care for her she will care for us. Give us hearts to understand we have forgotten who we are. We have sought only our own security. We have exploited simply for

our own ends. We have distorted our knowledge. We have abused our power. Great spirit, whose dry lands thirst, help us to find the way to refresh your lands. Great spirit, whose waters are choked with debris and pollution, help us to find the way to cleanse your waters. Great spirit, whose beautiful earth grows ugly with misuse, help us to find the way to restore beauty to your handiwork. Great spirit, whose creatures are being destroyed, help us to find a way to replenish them great spirit, whose gifts to us are being lost in selfishness and corruption, help us to find the way to restore our humanity. Sky our grandfather moon our grandmother earth our mother I am thankful we love each other we are grateful. Let us take the first step to provide for our household a nourishing and pure diet, avoiding those foods injurious to healthy living. Let us take the second step to develop physical, mental and spiritual powers. Let us take the third step to increase our wealth by righteous means and proper use. Let us take the fourth step to acquire knowledge, happiness and harmony by mutual love and trust. Let us take the fifth step so that we are blessed with strong, virtuous and heroic children. Let us take the sixth step for self-restraint and longevity. Finally, let us take the seventh step and be true companions and remain lifelong partners by this wedlock. We will all, verily, abide by the will of god. We make this marriage vow respectfully before the hachiman deity. We are delighted to be able to make our vows on this great day, and to become husband and wife through the blessing of the hachiman deity. We swear before the hachimang deity to love and respect each other forever, and to strive to bring our family prosperity moreover, we swear never to veer from the true path of matrimony, and to work to share the divine grace of hachiman deity by helping people and society. With our friends and our family before us, I pledge my love to you. I promise to love you, through sunshine and storms, and for all of eternity. I promise to take care of you as you have taken care of me; and I promise to always take care of us. I love our adventures, and I can guarantee that our lives together will be exciting and ever changing. You are wonderful companion and I am honored to be your wife. Smooch! I'm not the best bear in the forest, and I may forget our time to forage, I may run out of ideas on what to cook, and sometimes look scruffy with my looks, but there's no other bear I want to hibernate with, there's no other bear I want to get lost with, I will be with you at the rising of the sun, and hold you at

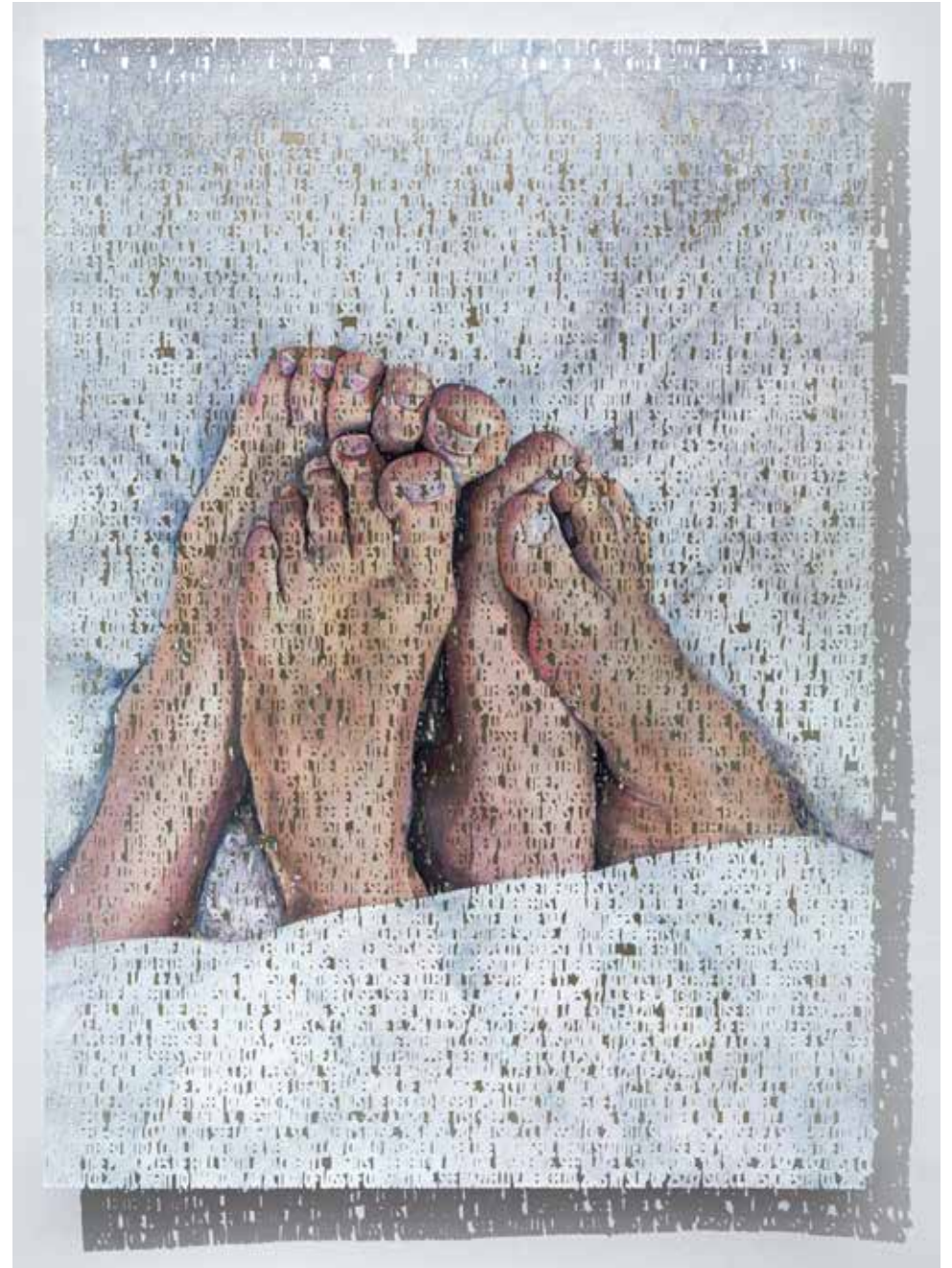
the darkest times of the night; I love you and it feels right. They are not said to be husband and wife, who merely sit together. They alone are called husband and wife, who have one light in two bodies. With blessings and wishes for happiness, I, together with the good people of this gathering, ask god to grace this marriage with permanence and faithfulness, love and happiness, friendship and mutual respect, joy and many children. May god grant you your deserving wishes, and long and contented lives. Now I bid you listen to a few words of advice that you may use in your lives together." Remain faithful and loyal to one another. Be respectful and grateful to your parents and teachers. From amongst the knowledgeable and wise, choose a mentor who will give you counsel and guidance, for actions that are undertaken without knowledge and advice seldom end well. Help the disadvantaged to the best of your ability. To the needy, offer food and shelter. Remember with reverence the souls of those we cherish, especially on those days devoted to their remembrance. Increase your knowledge and help spread learning and culture. It is the duty of every parent to educate their children and afford the opportunity for further learning speak only the truth. Let your word be your bond. Do not lie, swear or deceive. Before speaking in any assembly, weigh your words carefully cherish your friends and be humble. Do not be vengeful or argue with a vengeful person. Do not be quarrelsome or quarrel with a quarrelsome person. Do not slander or fraternize with gossipers or backbiters. Do not be greedy or cooperate with a greedy person. Do not commit sins for the sake of avoiding shame. Do not be jealous or licentious. Do not be jealous of others or desire their property. Acquire prosperity through honest work. Avoid inactivity and laziness. Be self-reliant. Share your good fortune with others. When things are investigated, then true knowledge is achieved; when true knowledge is achieved, then the will becomes sincere; when the will is sincere, then the heart is set right; when the heart is set right, then the personal life is cultivated; when the personal life is cultivated, then the family life is regulated; when the family life is regulated, then the national life is orderly; and when the national life is orderly, then there is peace in the world. Words do not make a vow. Vows represent commitment. Words change, meaning shifts, from person to person. In time growing to new meanings. A marriage vow is this: a commitment to accept

change. To remove static definitions that limit. Not to force our thoughts but to assist towards being more. To help each other discover: marriage is potential. Let this moment be one of awareness. So this marriage will thrive in awareness. Take in, spirit and soul of your partner. Accept each other's nature to change. Climb into dreams & entangle as breezes playing. Rain down as sun rays. To warm each other as seedlings, growing to hope. A future living gracefully together. Now to discover an eternal kindness. Striving to make marriage be: in potential, connecting and full of life. In this, you are together now as partners in marriage.



Domestic Partnership

Domestic Partnership
laser cut watercolor & ink painting on paper, 39.5 x 28.5 inches ©2020





Domestic Partnership Registration

A Domestic Partnership is a legal relationship permitted under the laws of the State and City of New York for couples that have a close and committed personal relationship. The Domestic Partnership Law recognizes the diversity of family configurations, including lesbian, gay, and other non-traditional couples.

Fee

The fee to register a Domestic Partnership is \$35 by credit card or money order payable to the City Clerk.

Requirements

You and your partner may register to become a Domestic Partnership if you meet the following requirements:

- Both you and your partner are New York City residents or at least one of you is employed by the City of New York on the date of registration.
- Both persons are 18 years of age or older.
- Neither you nor your partner is married or related by blood in a manner that would bar his or her marriage in New York State.
- Both of you have a close and committed personal relationship, live together, and have been living together on a continuous basis.
- You and your partner must be able to truthfully state an identical residential address on the application form for the Domestic Partnership.
- Neither you nor your partner is currently in another Domestic Partnership or has been registered as a member of another Domestic Partnership within the last six months.

Application Procedure

- Go to the contact page the city clerk's office page and request an appointment. Appointments are available in the Manhattan office only.
- If you and your partner wish to register as Domestic Partners, you will need to pick up the affidavit from one of our [office locations](#). Alternatively, you can submit an application online to the Office of the City Clerk via [City Clerk Online](#).
- In either case, you both must appear in person at the Manhattan office after you request an appointment using the contact the city clerk's office on this page with an acceptable form of identification and the fee of \$35 (by credit card or money order payable to the City Clerk) to complete your application. If you have not submitted an online application, bring the completed affidavit with you.

- As part of the completion process, the Domestic Partnership affidavit must be signed by both partners and notarized. Notarization is available without charge in the Offices of the City Clerk.

Required Types of Identification

Acceptable forms of identification for the Domestic Partnership application are:

- IDNYC
- Valid driver license or non-driver identification card issued by the Department of Motor Vehicles (from the United States or any of its territories)
- Original Birth Certificate
- Passport
- Official School Record
- United States Permanent Resident Card
- Employee Identification Card

Certificate of Domestic Partnership

- Once your application has been processed and the fee has been paid, the cashier will present you and your partner with the Certificate of Domestic Partnership.
- You may purchase additional Certificates for an additional fee of \$9 by credit card or money order payable to the City Clerk. Your Certificate constitutes notice of a registered Domestic Partnership when you or your partner apply for rights and benefits available to Domestic Partners.
- These rights include, but are not limited to:
 - Bereavement leave and child care leave for City employees;
 - Visitation in a City correctional and juvenile detention facility;
 - Visitation in facilities operated by the New York City Health and Hospitals Corporation;
 - Eligibility to qualify as a family member to be added by the New York City Housing Authority to an existing tenancy as a permanent resident;
 - Eligibility to qualify as a family member entitled to succeed to the tenancy or occupancy rights of a tenant or cooperator in buildings under the jurisdiction of the Department of Housing Preservation and Development;
 - Health benefits provided by the City of New York and employees and retirees and eligible members of their family pursuant to stipulation or collective bargaining; and
 - Such other rights as may be established pursuant to applicable law.

Disclaimer for the List of Rights and Privileges

Certain other rights and privileges are afforded to you as domestic partners. The following is a summary of such rights and privileges, but the Office of the City Clerk

makes no claims that the summary is exhaustive. In addition, you should note that the information presented below is being disseminated solely for informational purposes. It does not constitute legal advice.

Although all attempts have been made to ensure the accuracy of this information and any subsequent updates, there may be changes in the law that are not yet reflected here. Therefore, neither the City of New York nor the Office of the City Clerk assumes any liability resulting from any inaccuracies herein or any reliance by any party thereupon.

Additional Rights and Privileges

The Administrative Code and City Charter describe other benefits for which registered domestic partners may be eligible, namely:

- Ad. Code §§ 3-401 through 3-404 authorize the Mayor to make an award (monetary) to a domestic partner of a firefighter, police officer, transit police officer, uniformed correctional worker, sanitation worker, school crossing guard, or any officer or employee of the city killed while engaged in the discharge of duty.
- Ad. Code § 3-405 authorizes the Mayor to make an award to a domestic partner of a private citizen who died while trying to prevent a crime or preserve the peace or prevent public disturbance.
- The Campaign Financing law excludes a domestic partner from being an "intermediary" for his/her partner who is a candidate. Ad. Ccommittee (3-703(h)), and bars a candidate from using public funds to pay a domestic partner (§ 3-704).
- Ad. Code § 3-204.2 allows a surviving domestic partner of a city council member to purchase the chair occupied by the council member in the councilmanic chamber for fair market value.
- Ad Code § 8-107(1)(f) states that the prohibition of employment discrimination does not govern the employment by an employer of his or her domestic partner.
- Ad. Code § 12-126(b)(2)(i) provides for the right to health insurance coverage for a domestic partner of a member of the uniformed forces of the police or fire departments who was killed as a natural and proximate result of an accident or injury sustained while in the performance of duty. In addition that section provides that: "[t]he mayor may, in his or her discretion, authorize the provision of such health insurance coverage for the surviving ... domestic partners ... of uniformed correctional and sanitation employees who died on or after November first, nineteen hundred and ninety-six and before January twenty-seventh, two thousand four and the surviving ... domestic partners ... of employees of the fleet services division of the police department who died on or after October first, nineteen hundred and ninety-eight and before April thirtieth, nineteen hundred and ninety-nine as a natural and proximate result of an accident or

injury sustained while in the performance of duty, subject to the same terms, conditions and limitations set forth in the section."

- Ad. Code § 12-307 states: "It shall be the policy of the city of New York that, to the extent not inconsistent with law, the city shall make benefits available to the domestic partners of city employees on the same basis as the city makes benefits available to the spouses of city employees."
- Ad. Code § 16-501(d) (part of New York City Trade Waste Commission law) states that a person is considered to hold stock in a corporation where such stock is owned directly or indirectly by or for the spouse or domestic partner of such individual.
- In Ad. Code § 16-321(b)(10) (part of the Solid Waste Recycling law), "ownership interest" means an "interest in a firm that is held by a candidate for any advisory board created pursuant to this subchapter, or by a member of such board, or by the spouse, domestic partner..."
- For the purposes of food vendors, Ad. Code § 17-308.1 provides that surviving domestic partners are to receive the same rights and benefits as surviving spouses of honorably discharged members of the armed forces. These rights and benefits, according to Article Four of the General Business Law are the right to "hawk, peddle, vend and sell goods, wares or merchandise or solicit trade upon the streets and highways within the county of his or her residence, as the case may be, or if such county is embraced wholly by a city, within such city, by procuring a license for that purpose to be issued as herein provided." N.Y. Gen. Bus. § 32.
- Ad. Code § 17-314.1 provides that the commissioner may transfer a food vendor permit to a dependent domestic partner if the person to whom the permit was issued is deceased or is incapacitated.
- Under both Ad. Code § 20-950(1), addressing shipboard gambling, and Ad. Code § 22-202(1), addressing fish markets, a person is deemed to hold stock when the stock is owned directly or indirectly by such individual's domestic partner or a corporation in which the domestic partner owns 50% or more of the stock.
- Under Ad. Code § 27-2004, the definitions section of the Housing Maintenance Code, "family" can be defined as two or more individuals related by domestic partnership.
- Under Ad. Code § 27-232, the definitions section of the Building Code, "family" is defined as "two or more individuals... who are parties to a domestic partnership."
- Charter § 2903(a)(15)(a) provides that a domestic partner of a person with a disability may apply for and be issued a special parking permit.
- Under Charter § 2601, the conflicts of interests provisions, persons "associated" with a public servant include a domestic partner with whom the public servant has a business or other financial relationship (§ 2601(5)); a "blind trust" can be a trust in which a public servant and his/her domestic partner has a beneficial interest, but has no knowledge of holdings or income (§ 2601(6)); "ownership interest" can mean an interest in a firm held by a public servant's domestic

partner which exceeds 5% of the firm or an investment of twenty-five thousand dollars in cash or other form of commitment, whichever is less, or five percent or twenty-five thousand dollars of the firm's indebtedness, whichever is less, and any lesser interest in a firm when...the public servant's ... domestic partner... exercises managerial control or responsibility regarding any such firm, but shall not include interests held in any pension plan, deferred compensation plan or mutual fund, the investments of which are not controlled by the ... public servant's ... domestic partner ... or in any blind trust which holds or acquires an ownership interest. (§2601(16)).

- For the purposes of general vendors, under Ad. Code § 20-455.1 surviving domestic partners are to receive the same rights and benefits as surviving spouses of honorably discharged members of the armed forces receive pursuant to article four of the general business law.ode § 3-702(12)) bars a candidate from making expenditures from his or her personal funds held jointly with a domestic partner in connection with his or her nomination for election except as a minimal contribution to his or her principal

Other New York State Rights and Benefits

Domestic partners registered in New York City may also receive some New York State benefits, namely:

- Under Public Health Law § 2805-q, no domestic partner shall be denied any rights of visitation of his or her domestic partner when such rights are accorded to spouses and next-of-kin at any hospital, nursing home or health care facility.
- Workers' Compensation Law § 4 requires that the domestic partner of any employee killed in the September 11, 2001 attacks be treated as a spouse for the purposes of any death benefit to which a surviving spouse would be entitled upon death, so that any such benefits would be paid to the domestic partner.

Rights Not Extended to Registered Domestic Partners

Because they cannot be considered spouses, domestic partners do not benefit from state income tax advantages, the spousal privilege and confidential marital communications, the ability to take out insurance policies on the other spouse, and other benefits of marriage. A surviving domestic partner does not have any inheritance or life insurance rights absent an explicit bequest in a will.

The following benefits of marriage have been found NOT to extend to domestic partners:

- General workers' compensation death benefits (although the legislature passed Workers' Compensation Law § 4 allowing domestic partners of those killed in the September 11, 2001 attacks to receive death benefits, it has not extended the benefit to domestic partners in other cases.) See *Valentine v. American*

Airlines, 17 A.D.3d 38, 40 (3d Dept. 2005) (Domestic partners do not fall within the definition of surviving spouse under Workers' Compensation Law § 16(1-a)(2)).

- Right to use equitable estoppel to enforce parental rights. See *Matter of Janis C. v Christine T.*, 294 A.D.2d 496 (2d Dept. 2002) (Although the doctrine of equitable estoppel has been applied as a defense in various proceedings involving paternity, custody, and visitation, it does not apply in a case where a same-sex domestic partner seeks visitation claiming to be a parent by estoppel, de facto parent, or a psychological parent).
- Right to maintain an action based upon an implied contract for personal services. See *Matos v. Gadman*, 173 A.D.2d 442, 443 (2d Dept. 1991).
- Right to maintain action in partition or division of property under legal framework of marriage. See *Cytron v. Malinowitz*, 1 Misc.3d 907(A) (Sup. Ct. Kings Co. 2003) (Division of property between domestic partners must be decided based upon legal theories of partition or joint venture).
- Right to bring a wrongful death claim. *Raum v. Restaurant Assoc.*, 252 A.D.2d 369 (1st Dept. 1998) (surviving gay partner did not have right to bring wrongful-death claim). But see *Langan v. St. Vincent's Hosp.*, 196 Misc. 2d 440 (Sup. Ct. Nassau Co. 2003) (a surviving spouse of a same-sex couple who entered into a civil union under Vermont law could recover under the wrongful death statute because New York recognized the union under the principles of full faith and credit).
- Rights inherent in marital residence. See *Blake v. Stradford*, 188 Misc. 2d 347, 352 (Dist. Ct. Nassau Co. 2001).
- Right to maintain an action of loss of consortium. See *Mazzelli v. Merello*, 2005 NY Slip Op 25237 (Sup. Ct. Westchester Co. 2005).

- If the Termination Statement has not been signed by both you and your partner, you must notify your partner of your termination by Certified Mail, Return Receipt requested.
- The fee for Domestic Partnership Termination is \$27 by credit card or money order payable to the City Clerk.
- You must show one of the valid forms of identification as described above.
- If either you or your Domestic Partner get married to each other or to another person, your Domestic Partnership is automatically terminated.

<https://www.cityclerk.nyc.gov/content/domestic-partnership-registration>

Termination of Domestic Partnership

- You or your partner may terminate your Domestic Partnership by filing a Termination Statement in person at one of our **office locations**, or you may **submit a Termination Statement online** to the Office of the City Clerk and visit one of our offices during regular business hours to complete it.
- If it is impossible for you to come to our offices to file the Termination Statement, you may file the Termination Statement by Certified Mail. **Download the Termination Statement**. However, you must demonstrate in a written statement attached to the Termination Statement that in-person filing is impossible or would create a hardship. If you fail to do so or do not present a convincing case, your request will be denied and the Termination Statement must then be filed in person. If the submitted Termination Statement is not signed by both parties, then proof that the non-signing party was notified in the form of a certified return receipt must also be sent with the Termination Statement.

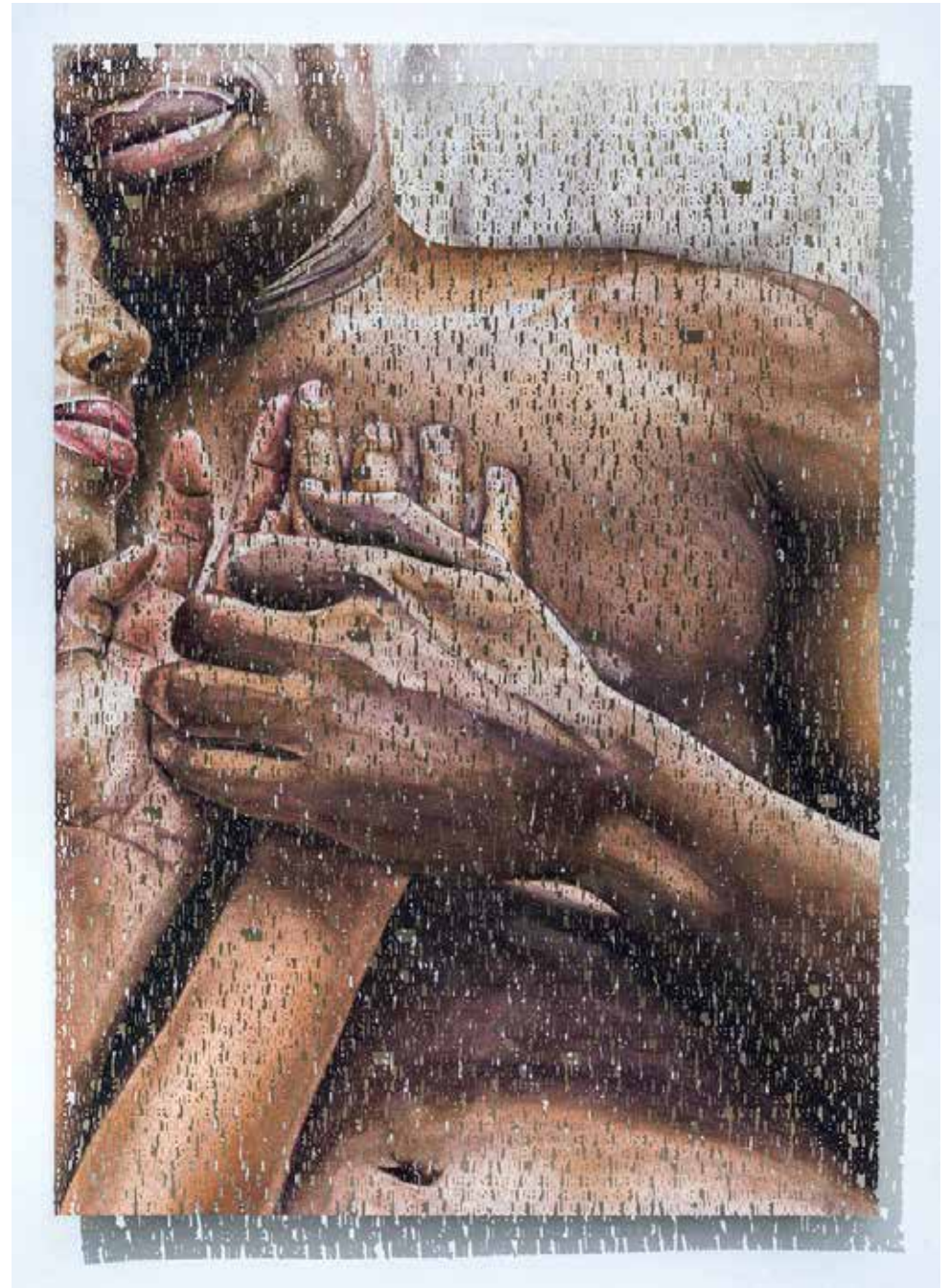
Religious Marriage

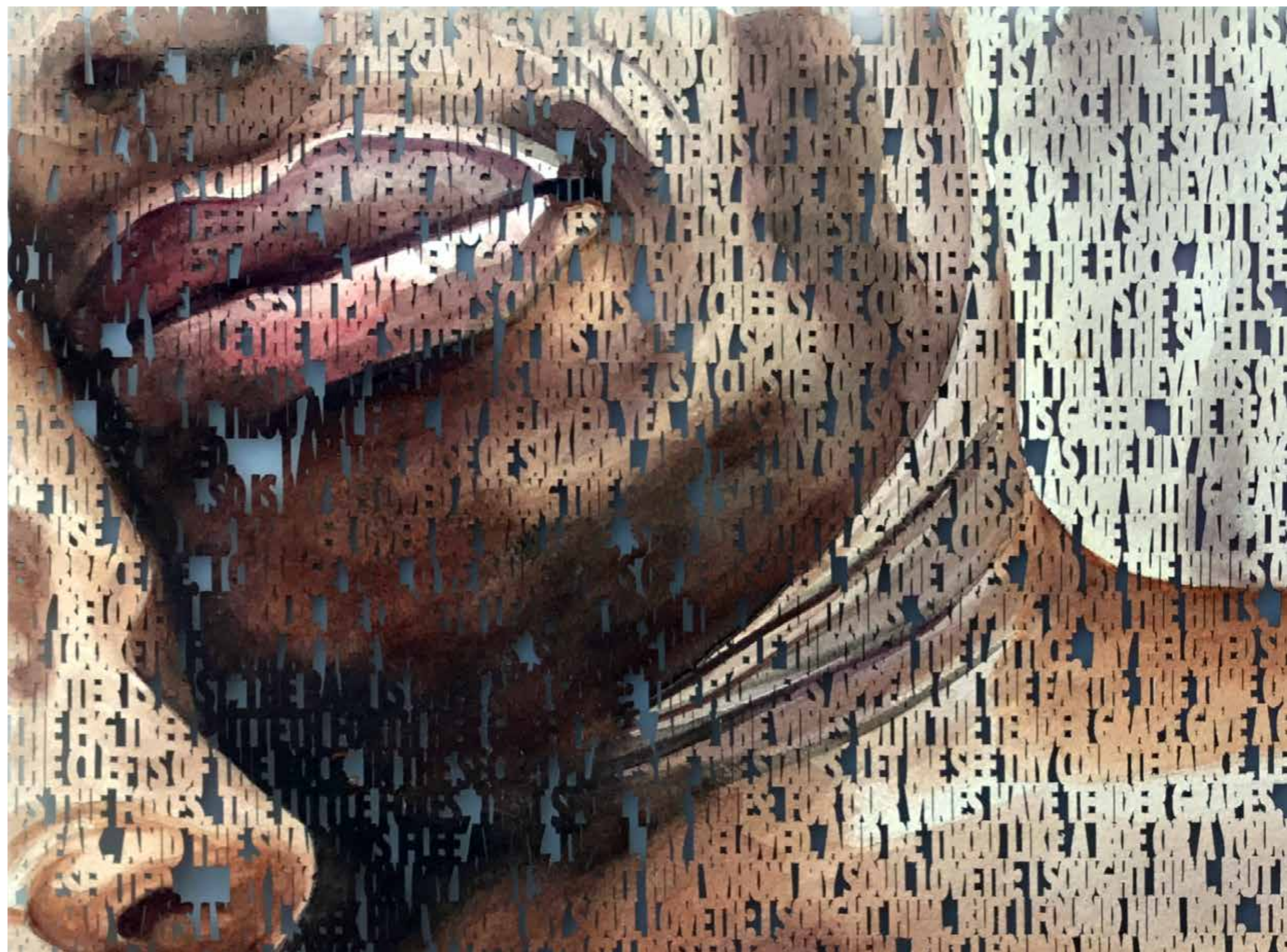
Song of Solomon
laser cut watercolor painting on paper, 39.75 x 28 inches ©2020





Song of Solomon II
laser cut watercolor painting on paper, 39.75 x 28 inches ©2020





The Song of Solomon

¹The song of songs, which is Solomon's.

²Let him kiss me with the kisses of his mouth: for thy love is better than wine.* ³Because of the savour of thy good ointments thy name is as ointment poured forth, therefore do the virgins love thee. ⁴Draw me, we will run after thee: the king hath brought me into his chambers: we will be glad and rejoice in thee, we will remember thy love more than wine: the upright love thee.† ⁵I am black, but comely, O ye daughters of Jerusalem, as the tents of Kedar, as the curtains of Solomon. ⁶Look not upon me, because I am black, because the sun hath looked upon me: my mother's children were angry with me; they made me the keeper of the vineyards; but mine own vineyard have I not kept.

⁷Tell me, O thou whom my soul loveth, where thou feedest, where thou makest *thy flock* to rest at noon: for why should I be as one that turneth aside by the flocks of thy companions?‡

⁸¶ If thou know not, O thou fairest among women, go thy way forth by the footsteps of the flock, and feed thy kids beside the shepherds' tents. ⁹I have compared thee, O my love, to a company of horses in Pharaoh's chariots. ¹⁰Thy cheeks are comely with rows of *jewels*, thy neck with chains of *gold*. ¹¹We will make thee borders of gold with studs of silver.

* 1.2 thy...: Heb. thy loves † 1.4 the upright...: or, they love thee uprightly ‡ 1.7 as one...: or, as one that is veiled

¹² ¶ While the king *sitteth* at his table, my spikenard sendeth forth the smell thereof. ¹³ A bundle of myrrh is my wellbeloved unto me; he shall lie all night betwixt my breasts. ¹⁴ My beloved is unto me as a cluster of camphire in the vineyards of En-gedi. § ¹⁵ Behold, thou *art* fair, my love; behold, thou *art* fair; thou *hast* doves' eyes. ** ¹⁶ Behold, thou *art* fair, my beloved, yea, pleasant: also our bed is green. ¹⁷ The beams of our house *are* cedar, and our rafters of fir. ††

2

¹ I *am* the rose of Sharon, and the lily of the valleys. ² As the lily among thorns, so is my love among the daughters.

³ As the apple tree among the trees of the wood, so is my beloved among the sons. I sat down under his shadow with great delight, and his fruit was sweet to my taste. *†

⁴ He brought me to the banqueting house, and his banner over me was love. ‡ ⁵ Stay me with flagons, comfort me with apples: for I *am* sick of love. § ⁶ His left hand is under my head, and his right hand doth embrace me. ⁷ I charge you, O ye daughters of Jerusalem, by the roes, and by the hinds of the field, that ye stir not up, nor awake my love, till he please. **

⁸ ¶ The voice of my beloved! behold, he cometh leaping upon the mountains, skipping upon the hills. ⁹ My beloved is like a roe or a young hart: behold, he standeth behind our wall, he looketh forth at the windows, shewing

§ 1.14 camphire: or, cypress ** 1.15 my love: or, my companion

†† 1.17 rafters: or, galleries * 2.3 I sat...: Heb. I delighted and sat down, etc † 2.3 taste: Heb. palate ‡ 2.4 banqueting...: Heb. house of wine

§ 2.5 comfort...: Heb. straw me with apples ** 2.7 I charge...: Heb. I adjure you

himself through the lattice. †† ¹⁰ My beloved spake, and said unto me, Rise up, my love, my fair one, and come away. ¹¹ For, lo, the winter is past, the rain is over and gone; ¹² The flowers appear on the earth; the time of the singing of birds is come, and the voice of the turtle is heard in our land; ¹³ The fig tree putteth forth her green figs, and the vines with the tender grape give a good smell. Arise, my love, my fair one, and come away.

¹⁴ ¶ O my dove, that art in the clefts of the rock, in the secret places of the stairs, let me see thy countenance, let me hear thy voice; for sweet is thy voice, and thy countenance is comely. ¹⁵ Take us the foxes, the little foxes, that spoil the vines: for our vines have tender grapes.

¹⁶ ¶ My beloved is mine, and I *am* his: he feedeth among the lilies. ¹⁷ Until the day break, and the shadows flee away, turn, my beloved, and be thou like a roe or a young hart upon the mountains of Bether. ‡‡

3

¹ By night on my bed I sought him whom my soul loveth: I sought him, but I found him not. ² I will rise now, and go about the city in the streets, and in the broad ways I will seek him whom my soul loveth: I sought him, but I found him not. ³ The watchmen that go about the city found me: *to whom I said*, Saw ye him whom my soul loveth? ⁴ It was but a little that I passed from them, but I found him whom my soul loveth: I held him, and would not let him go, until I had brought him into my mother's house, and into the chamber of her that conceived me. ⁵ I charge you, O ye daughters of Jerusalem, by the roes, and

†† 2.9 shewing...: Heb. flourishing ‡‡ 2.17 of Bether: or, of division

by the hinds of the field, that ye stir not up, nor awake *my* love, till he please.

⁶ ¶ Who is this that cometh out of the wilderness like pillars of smoke, perfumed with myrrh and frankincense, with all powders of the merchant?

⁷ Behold his bed, which is Solomon's; threescore valiant men *are* about it, of the valiant of Israel. ⁸ They all hold swords, *being* expert in war: every man *hath* his sword upon his thigh because of fear in the night. ⁹ King Solomon made himself a chariot of the wood of Lebanon.*

¹⁰ He made the pillars thereof of silver, the bottom thereof of gold, the covering of it of purple, the midst thereof being paved *with* love, for the daughters of Jerusalem.

¹¹ Go forth, O ye daughters of Zion, and behold king Solomon with the crown wherewith his mother crowned him in the day of his espousals, and in the day of the gladness of his heart.

4

¹ Behold, thou *art* fair, my love; behold, thou *art* fair; thou *hast* doves' eyes within thy locks: thy hair *is* as a flock of goats, that appear from mount Gilead.* ² Thy teeth *are* like a flock of sheep that *are* even shorn, which came up from the washing; whereof every one bear twins, and none *is* barren among them. ³ Thy lips *are* like a thread of scarlet, and thy speech *is* comely: thy temples *are* like a piece of a pomegranate within thy locks. ⁴ Thy neck *is* like the tower of David builded for an armoury, whereon there hang a thousand bucklers, all shields of mighty men. ⁵ Thy two breasts *are* like two young roes that *are* twins, which feed among the lilies. ⁶ Until the day break, and the shadows flee away, I will get me to the mountain of myrrh, and to

* 3.9 a chariot: or, a bed * 4.1 that...: or, that eat of, etc

the hill of frankincense.† ⁷ Thou *art* all fair, my love; *there* *is* no spot in thee.

⁸ ¶ Come with me from Lebanon, *my* spouse, with me from Lebanon: look from the top of Amana, from the top of Shenir and Hermon, from the lions' dens, from the mountains of the leopards. ⁹ Thou hast ravished my heart, my sister, *my* spouse; thou hast ravished my heart with one of thine eyes, with one chain of thy neck.‡ ¹⁰ How fair *is* thy love, my sister, *my* spouse! how much better *is* thy love than wine! and the smell of thine ointments than all spices! ¹¹ Thy lips, O *my* spouse, drop as the honeycomb: honey and milk *are* under thy tongue; and the smell of thy garments *is* like the smell of Lebanon. ¹² A garden inclosed *is* my sister, *my* spouse; a spring shut up, a fountain sealed. §** ¹³ Thy plants *are* an orchard of pomegranates, with pleasant fruits; camphire, with spikenard,†† ¹⁴ Spikenard and saffron; calamus and cinnamon, with all trees of frankincense; myrrh and aloes, with all the chief spices:

¹⁵ A fountain of gardens, a well of living waters, and streams from Lebanon.

¹⁶ ¶ Awake, O north wind; and come, thou south; blow upon my garden, *that* the spices thereof may flow out. Let my beloved come into his garden, and eat his pleasant fruits.

5

¹ I am come into my garden, my sister, *my* spouse: I have gathered my myrrh with my spice; I have eaten my honeycomb with my honey; I have drunk my wine with

† 4.6 breathe ‡ 4.9 ravished: or, taken away § 4.12 inclosed: Heb. barred ** 4.12 shut up: Heb. barred †† 4.13 camphire: or, cypress

my milk: eat, O friends; drink, yea, drink abundantly, O beloved.*

² ¶ I sleep, but my heart waketh: *it is* the voice of my beloved that knocketh, *saying*, Open to me, my sister, my love, my dove, my undefiled: for my head is filled with dew, *and* my locks with the drops of the night. ³ I have put off my coat; how shall I put it on? I have washed my feet; how shall I defile them? ⁴ My beloved put in his hand by the hole *of the door*, and my bowels were moved for him.† ⁵ I rose up to open to my beloved; and my hands dropped *with myrrh*, and my fingers *with sweet smelling myrrh*, upon the handles of the lock.‡ ⁶ I opened to my beloved; but my beloved had withdrawn himself, *and was gone*: my soul failed when he spake: I sought him, but I could not find him; I called him, but he gave me no answer. ⁷ The watchmen that went about the city found me, they smote me, they wounded me; the keepers of the walls took away my veil from me. ⁸ I charge you, O daughters of Jerusalem, if ye find my beloved, that ye tell him, that I *am* sick of love.§

⁹ ¶ What is thy beloved more than *another* beloved, O thou fairest among women? what is thy beloved more than *another* beloved, that thou dost so charge us? ¹⁰ My beloved *is* white and ruddy, the chiefest among ten thousand.** ¹¹ His head *is* as the most fine gold, his locks *are* bushy, *and* black as a raven.†† ¹² His eyes *are* as the eyes of doves by the rivers of waters, washed with milk,

* 5.1 yea...: or, and be drunken with loves † 5.4 for him: or, (as some read) in me ‡ 5.5 sweet...: Heb. passing, or, running about § 5.8 that ye: Heb. what, etc ** 5.10 the chiefest: Heb. a standard-bearer †† 5.11 bushy: or, curled

and fitly set.‡‡ ¹³ His cheeks *are* as a bed of spices, as sweet flowers: his lips *like* lilies, dropping sweet smelling myrrh.§§ ¹⁴ His hands *are* as gold rings set with the beryl: his belly *is* as bright ivory overlaid *with sapphires*. ¹⁵ His legs *are* as pillars of marble, set upon sockets of fine gold: his countenance *is* as Lebanon, excellent as the cedars. ¹⁶ His mouth *is* most sweet: yea, he *is* altogether lovely. This *is* my beloved, and this *is* my friend, O daughters of Jerusalem.***

6

¹ Whither is thy beloved gone, O thou fairest among women? whither is thy beloved turned aside? that we may seek him with thee. ² My beloved is gone down into his garden, to the beds of spices, to feed in the gardens, and to gather lilies. ³ I *am* my beloved's, and my beloved *is* mine: he feedeth among the lilies.

⁴ ¶ Thou *art* beautiful, O my love, as Tirzah, comely as Jerusalem, terrible as *an army* with banners. ⁵ Turn away thine eyes from me, for they have overcome me: thy hair *is* as a flock of goats that appear from Gilead.* ⁶ Thy teeth *are* as a flock of sheep which go up from the washing, whereof every one beareth twins, and *there is* not one barren among them. ⁷ As a piece of a pomegranate *are* thy temples within thy locks. ⁸ There are threescore queens, and fourscore concubines, and virgins without number. ⁹ My dove, my undefiled *is* *but* one; she *is* the *only* one of her mother, she *is* the choice one of her that bare her. The daughters saw her, and blessed her; yea, the queens and the concubines, and they praised her.

‡‡ 5.12 fitly...: Heb. sitting in fulness, that is, fitly placed, and set as a precious stone in the foil of a ring §§ 5.13 sweet flowers: or, towers of perfumes *** 5.16 mouth: Heb. palate * 6.5 overcome...: or, puffed me up

¹⁰ ¶ Who is she *that* looketh forth as the morning, fair as the moon, clear as the sun, *and* terrible as *an army* with banners?

¹¹ I went down into the garden of nuts to see the fruits of the valley, *and* to see whether the vine flourished, *and* the pomegranates budded. ¹² Or ever I was aware, my soul made me *like* the chariots of Amminadib.†‡ ¹³ Return, return, O Shulamite; return, return, that we may look upon thee. What will ye see in the Shulamite? As it were the company of two armies.§

7

¹ How beautiful are thy feet with shoes, O prince's daughter! the joints of thy thighs *are* like jewels, the work of the hands of a cunning workman. ² Thy navel *is like* a round goblet, *which* wanteth not liquor: thy belly *is like* an heap of wheat set about with lilies.* ³ Thy two breasts *are* like two young roes *that are* twins. ⁴ Thy neck *is* as a tower of ivory; thine eyes *like* the fishpools in Heshbon, by the gate of Bath-rabbim: thy nose *is* as the tower of Lebanon which looketh toward Damascus. ⁵ Thine head upon thee *is* like Carmel, and the hair of thine head like purple; the king *is* held in the galleries.†‡ ⁶ How fair and how pleasant art thou, O love, for delights! ⁷ This thy stature *is* like to a palm tree, and thy breasts to clusters of grapes. ⁸ I said, I will go up to the palm tree, I will take hold of the boughs thereof: now also thy breasts shall be as clusters of the vine, and the smell of thy nose like apples; ⁹ And the roof of thy mouth like the best wine for my beloved, that goeth

† 6.12 Or ever...: Heb. I knew not ‡ 6.12 made...: or, set me on the chariots of my willing people § 6.13 of...: or, of Mahanaim * 7.2 liquor: Heb. mixture † 7.5 Carmel: or, crimson ‡ 7.5 held: Heb. bound

down sweetly, causing the lips of those that are asleep to speak.§**

¹⁰ ¶ I *am* my beloved's, and his desire *is* toward me. ¹¹ Come, my beloved, let us go forth into the field; let us lodge in the villages. ¹² Let us get up early to the vineyards; let us see if the vine flourish, *whether* the tender grape appear, *and* the pomegranates bud forth: there will I give thee my loves.†† ¹³ The mandrakes give a smell, and at our gates *are* all manner of pleasant fruits, new and old, *which* I have laid up for thee, O my beloved.

8

¹ O that thou wert as my brother, that sucked the breasts of my mother! *when* I should find thee without, I would kiss thee; yea, I should not be despised.* ² I would lead thee, *and* bring thee into my mother's house, *who* would instruct me: I would cause thee to drink of spiced wine of the juice of my pomegranate. ³ His left hand *should be* under my head, and his right hand should embrace me. ⁴ I charge you, O daughters of Jerusalem, that ye stir not up, nor awake *my* love, until he please.†

⁵ Who is this that cometh up from the wilderness, leaning upon her beloved? I raised thee up under the apple tree: there thy mother brought thee forth: there she brought thee forth *that* bare thee.

⁶ ¶ Set me as a seal upon thine heart, as a seal upon thine arm: for love *is* strong as death; jealousy *is* cruel as the grave: the coals thereof *are* coals of fire, *which* hath a most vehement flame.‡ ⁷ Many waters cannot quench

§ 7.9 sweetly: Heb. straightly ** 7.9 of those...: or, of the ancient †† 7.12 appear: Heb. open * 8.1 I should not...: Heb. they should not despise me † 8.4 that...: Heb. why should ye stir up, or, why, etc ‡ 8.6 cruel: Heb. hard

love, neither can the floods drown it: if a man would give all the substance of his house for love, it would utterly be contemned.

⁸ ¶ We have a little sister, and she hath no breasts: what shall we do for our sister in the day when she shall be spoken for? ⁹ If she be a wall, we will build upon her a palace of silver: and if she be a door, we will inclose her with boards of cedar. ¹⁰ I am a wall, and my breasts like towers: then was I in his eyes as one that found favour. §

¹¹ Solomon had a vineyard at Baal-hamon; he let out the vineyard unto keepers; every one for the fruit thereof was to bring a thousand *pieces* of silver. ¹² My vineyard, which is mine, is before me: thou, O Solomon, *must have* a thousand, and those that keep the fruit thereof two hundred.

¹³ Thou that dwellest in the gardens, the companions hearken to thy voice: cause me to hear it.

¹⁴ ¶ Make haste, my beloved, and be thou like to a roe or to a young hart upon the mountains of spices. **

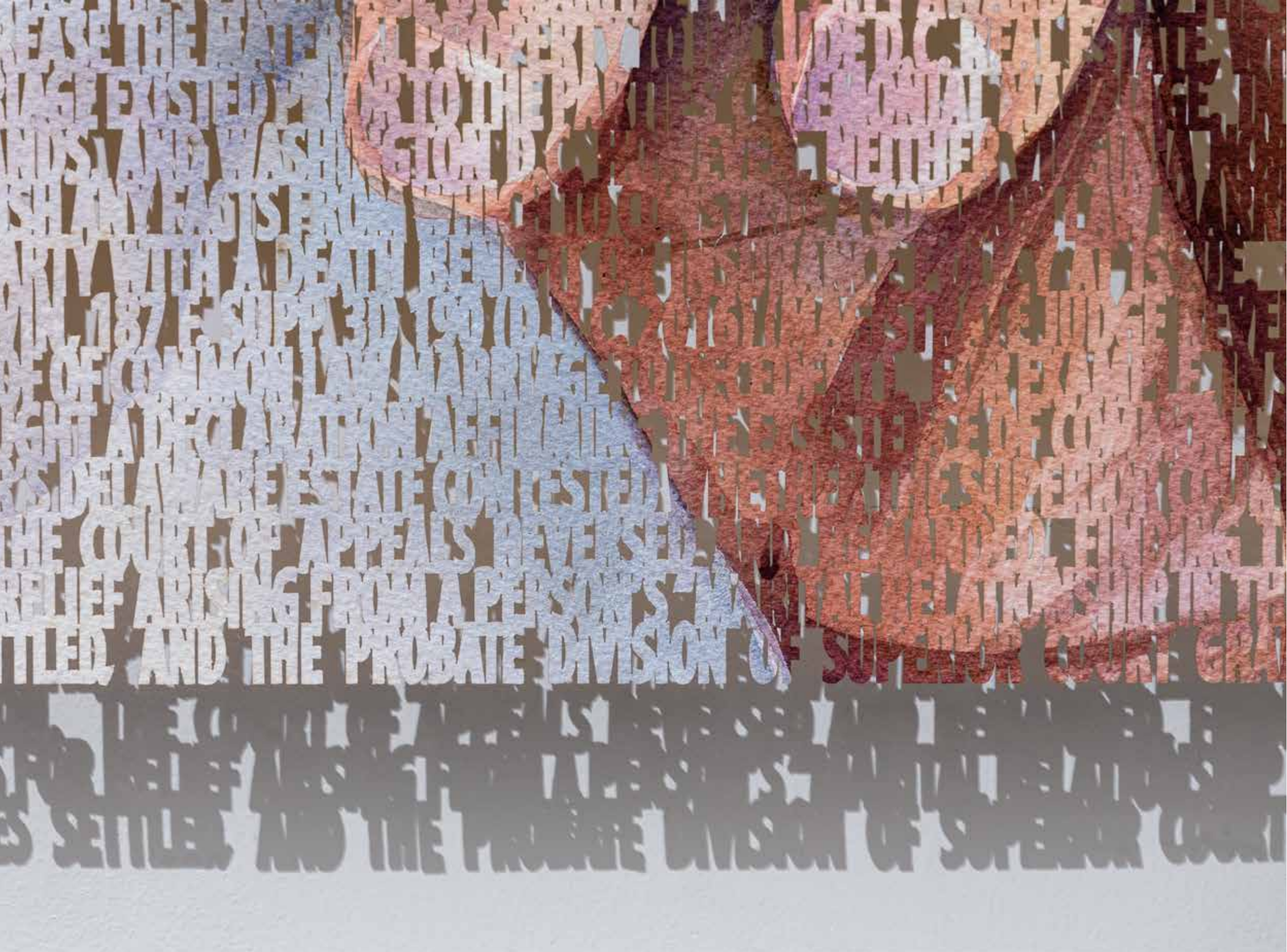
King James Version + Apocrypha
The King James Version or Authorized Version of the Holy Bible,
using the standardized text of 1769, with Apocrypha/Deuterocanon
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§ 8.10 favour: Heb. peace ** 8.14 Make...: Heb. Flee away

Common Law Marriage



Common Law Marriage
laser cut watercolor painting on paper, 38.75 x 27.5 inches ©2020



§ 2.05. Common Law Marriage

[1] Recognition

The District of Columbia recognizes common law marriages entered into in the District or any other jurisdiction that recognizes common law marriages. *Matthews v. Britton*, 303 F.2d 408 (D.C. Cir. 1962); *Hoage v. Murch Bros. Const. Co.*, 50 F.2d 983 (D.C. Cir. 1931); *Coates v. Watts*, 622 A.2d 25 (D.C. 1993). In addition to the District of Columbia, the following states recognize some form of common law marriage: Alabama, Colorado, Georgia Idaho, Iowa, Kansas, Montana, New Hampshire, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Utah. The District of Columbia also recognizes, as *Obergefell* and D.C. Code § 46-401 require, “that a same-sex couple may enter into common-law marriage” and that this rule applies retroactively, even before same-sex marriage was legal. *Gill v. Nostrand*, 206 A.3d 869 (D.C. 2019).

[2] Elements

[a] No Impediment to Marriage

The parties must be free of any impediment to marry. *Berryman v. Thorne*, 700 A.2d 181 (D.C. 1997) (no marriage to second spouse because first marriage not dissolved); *Lee v. Lee*, 201 A.2d 873 (D.C. 1964) (subsequent ceremonial marriage void due to existence of common law marriage). However, where a couple is not free to be married, but intend to be married, or marry ceremonially, and live together as a married couple, a common law marriage can arise when the impediment to their marriage is removed. *Matthews v. Britton*, 303 F.2d 408 (D.C. Cir. 1962) (common law marriage came into existence when woman’s prior spouse obtained a divorce); *Di Giovanni v. Di Giovannantonio*, 233 F.2d 26 (D.C. Cir. 1956); *McVicker v. McVicker*, 130 F.2d 837 (D.C. Cir. 1942); *Parrella v. Parrella*, 120 F.2d 728 (D.C. Cir. 1941) (first husband dies during the second marriage, removing impediment); see also *Erickson v. Stogner*, 195 F.2d 777 (D.C.

Cir. 1952) (no cohabitation followed removal of impediment, therefore no common law marriage).

[b] Present Intent to Be Married

The parties must have a present intent to be married to each other. *Coates v. Watts*, 622 A.2d 25 (D.C. 1993) (no common law marriage where decedent declined marriage proposals, but agreed to marry in the future); *Jackson v. Young*, 546 A.2d 1009 (D.C. 1988) (insurance policy signed by decedent admitted to show state of mind); *McCoy v. Dist. of Columbia*, 256 A.2d 908 (D.C. 1969) (action for death benefits fails for lack of present agreement). Although there is no set formula required for the agreement, the exchange of words must “inescapably and unambiguously imply that an agreement was being entered into to become man and wife as of the time of the mutual consent.” *Nat’l Union Fire Ins. Co. v. Britton*, 187 F. Supp. 359, 364 (D.D.C. 1960), *aff’d*, 289 F.2d 454, *cert. denied*, 368 U.S. 832, 82 S. Ct. 54, 7 L. Ed. 2d 34 (1961); *Caldwell v. Caldwell*, 140 A.2d 926 (D.C. 1958). The agreement “must be in words of the present tense, to be permanent partners with the same degree of commitment as the spouses in a ceremonial marriage.” *Gill v. Nostrand*, 206 A.3d 869, 875 (D.C. 2019). When one party has an impediment to marriage, such as a living spouse, the parties must have formed a reaffirmed intent to be married after the impediment was removed. *United States Fid. & Guar. Co. v. Britton*, 269 F.2d 249, 252 (D.C. Cir. 1959) (alleged common law wife claiming death benefits of deceased husband with whom she had lived while still married to her first husband; failed to assert that she and deceased had intent or agreement to be married after death of first husband).

[c] Cohabitation

The parties must follow through on this intention with actual cohabitation as a married couples. *Todd v. Todd*, 171 F.2d 143 (D.C. Cir. 1948); but see *Thomas v. Murphy*, 107 F.2d 268, 269 (D.C. Cir. 1939) (“Where cohabitation was, at the outset, illicit from choice, because there was nothing to prevent a valid marriage, it is reasonable to require some evidence of a change of intention before finding a marriage ...”). There is no prescribed duration for living together to establish the marriage.

[d] Reputation in Community

The parties must hold themselves out to the community as married. *Robinson v. Evans*, 554 A.2d 332 (D.C. 1989) (purchase of property as tenants by entirety raises sufficient factual dispute to survive motion for summary judgment for partition of property); *Troshinsky v. Rosin*, 428 A.2d 847, 849 (D.C. 1981), cert. denied, 454 U.S. 876, 102 S. Ct. 353, 70 L. Ed. 2d 184 (1981) (no common law marriage where appellant and decedent did not have general reputation in community); *Blue v. Jones*, 231 F.2d 502 (D.C. Cir. 1956) (suit to quiet title, sole surviving child successfully asserted common law marriage of parents).

« Ch. 2 », « § 2.05 », « [3] »

Domestic Relations Manual for DC § 2.05[3] (2019)

[3] Termination

A common law marriage may only be terminated by a divorce proceeding or death of a spouse. There is no such thing as a common law divorce. *Lee v. Lee*, 201 A.2d 873 (D.C. 1964) (common law wife successfully sued to determine validity of her marriage to husband who entered into a subsequent, ceremonial marriage with another woman; ceremonial marriage declared void).

« Ch. 2 », « § 2.05 », « [4] »

Domestic Relations Manual for DC § 2.05[4] (2019)

[4] Proof of Common Law Marriage

To prove a common law marriage, the evidence must show “cohabitation following an express mutual agreement, which must be in words of the present tense, to be permanent partners with the same degree of commitment as the spouses in a ceremonial marriage.” *Gill v. Nostrand*, 206 A.3d 869, 875 (D.C. 2019). See generally *United States Fid. & Guar. v. Britton*, 269 F.2d 249, 252 (D.C. Cir. 1959); *McCoy v. Dist. of Columbia*, 256 A.2d 908, 910 (D.C. 1969). The burden of proof required is the general civil burden of preponderance of the evidence. When the alleged common law marriage predated a ceremonial marriage, the burden of proof for common law marriage is higher (clear and convincing) because of the strong presumption in favor of the most recent marriage’s validity. *Johnson v. Young*, 372 A.2d 992 (1977); accord *Gordon v. R.R. Ret. Bd.*, 696 F.2d 131, 132 (D.C. Cir. 1983); see also *Mayo v. Ford*, 184 A.2d 38 (D.C. 1962); *United States v. Warner*, 84 F. Supp. 607 (D.D.C. 1949), *aff’d sub nom.*, *Harsley v. United States*, 187 F.2d 213 (D.C. Cir. 1951); *Patterson v. Gaines*, 47 U.S. 550, 596, 12 L. Ed. 553 (1848). In *Berryman v. Thorne*, 700 A.2d 181 (D.C. 1997), a deceased wife’s “first” husband was able to prove that their marriage never dissolved and thereby rebut the presumptive

only by an affidavit of the wife and “second” husband indicating their intent to live together as husband and wife.

One of the more difficult elements to prove is “present intent” to be married. Generally, the best evidence is the parties’ testimony. *United States Fid. & Guar.*, 269 F.2d at 252. If both parties are living, and one denies the “present intent” to be married, it may be difficult to prove present intent, and the parties’ respective credibility will be critical. See *Toye v. Toye*, 170 A.2d 778 (D.C. 1961) (promise to marry not an agreement to be married). In some cases, the required mutual agreement “may be inferred from the character and duration of cohabitation, or from circumstantial evidence such as testimony by relative and acquaintances as to the general reputation regarding the parties’ relationship.” *Gill*, 206 A.3d 869, 875 (D.C. 2019) (internal citations and quotation marks omitted).

East v. East, 536 A.2d 1103 (D.C. 1988) is an illustrative case, where intent was proven, even with the parties’ conflicting testimony. The parties lived together for six years and had two children. In their first year together, as soon as the wife became pregnant, the wife testified that the husband said at a dinner party, “From here on in, Margaret and I are married.” *Id.* at 1104. The husband denied saying that. He alleged that the wife had said they were married at noon that day by a justice of the peace, to which he said nothing, not wanting to embarrass her as a liar in front of the guests. *Id.* at 1105. The court weighed this evidence from both sides and found the wife more credible, thereby finding as fact that the parties had evidenced a present oral intent to be married. A fact finding will be affirmed on appeal unless appellant can persuade the Court of Appeals that the finding is plainly wrong or without support in the record. D.C. Code § 17-305(a).

Where both parties are living and agree there is a marriage, the court will nevertheless closely scrutinize the evidence and assess the witnesses’ credibility. In *Mesa v. United States*, 875 A.2d 79 (D.C. 2005), while on trial for felony murder, the defendant, Mr. Mesa, attempted to establish a common law marriage with a government witness, Ms. De Guzman, to preclude her testimony against him under the marital privilege. The trial court did not believe Ms. De Guzman’s testimony and found that she had fabricated some proof of the relationship after Mr. Mesa’s arrest. Notably, the court found that they intended to marry in the future but were not married yet. An intent to marry in the future does not constitute the present intent to be married. The Court of Appeals affirmed the

In *Cerovic v. Stojkov*, 134 A.3d 766 (D.C. 2016), the Court of Appeals reversed and remanded a trial court’s finding that no common law marriage existed. The trial court incorrectly required the party seeking to establish a common law marriage, Cerovic, to meet a “clear and convincing evidence” burden. In fact, “a party claiming that a common law marriage exists must prove the existence of that common law marriage by a preponderance of the evidence” standard. *Id.* at 774–75 (citing *Coates v. Watts*, 622 A.2d 25, 27 (D.C. 1993)). Generally speaking, “a common law marriage may be proven by a preponderance of the evidence”; however, “when an asserted common law marriage precedes another marriage [to a different person], to overcome the presumption of the validity of the later marriage[,] the proponent of the prior, common law marriage must prove its existence by ‘clear and convincing evidence.’ ” *Id.* at 775 (quoting *Johnson v. Young*, 372 A.2d 992, 994 (D.C. 1977)). In cases, like *Cerovic*, where the parties to the purported common law marriage and the ceremonial marriage are the same, the proponent of the common law marriage “need only establish the claim by a preponderance of the evidence.” *Id.* at 775.

In *Gill v. Nostrand*, the Court of Appeals affirmed the trial court’s finding that no common-law marriage existed between a same-sex couple. 206 A.3d 869 (D.C. 2019). In finding no common law marriage existed, the trial court relied on: (1) the fact that neither party remembered the date when they were purportedly married in 2004; (2) neither party told their friends or family about the alleged marriage; (3) the parties never inscribed their rings (a step that might have signified that their relationship progressed from engagement to marriage); (4) the parties largely maintained separate finances; and (5) one party’s failure to immediately object to the other party’s ceremonial wedding plans to another man. *Id.* at *3–9.

In *Young-Jones v. Bell*, 905 A.2d 275 (D.C. 2006), a divorce case, the trial court, without additional scrutiny, accepted the parties’ stipulation to a common law marriage. The case went to trial on the issues of divorce, property division, custody and child support and the only matter appealed was the percentage of marital property awarded to the wife.

In another divorce case, *Bansda v. Wheeler*, 995 A.2d 189 (D.C. 2010), the wife attempted to increase the marital property to include D.C. real estate, which the husband purchased prior to their ceremonial marriage, by arguing that a common law marriage existed prior to the parties’ ceremonial marriage. In *Bansda*, prior to the ceremonial wedding, the parties lived together in Virginia, then the Netherlands, and Washington, D.C. However, neither Virginia nor the

Netherlands recognize common law marriage, so the time they spent in those places could not establish any facts from which to construe a common law marriage.

Most of the cases that successfully establish a common law marriage involve a deceased party with a death benefit or insurance policy at issue. *Cooper v. Lish*, 318 F.2d 262 (D.C. Cir. 1963); *Brantley v. Skeens*, 266 F.2d 447 (D.C. Cir. 1959); *Faison v. Colvin*, 187 F. Supp. 3d 190 (D.D.C. 2016) (Magistrate Judge reversed Administrative Law Judge’s denial of widow’s benefits for failing to recognize petitioner’s proof of common law marriage to decedent). For example, in *Spellman v. Boland*, 142 A.3d 561 (D.C. 2016), Spellman, the surviving partner of a same-sex couple, sought a declaration affirming the existence of a common law marriage between himself and his late partner. The personal representative of the late partner’s Delaware estate contested whether the Superior Court had personal jurisdiction. The Superior Court dismissed the case for lack of personal jurisdiction. The Court of Appeals reversed and remanded, finding that the Superior Court had jurisdiction under D.C. Code § 13-423 (a)(7)(E) with respect to claims for relief arising from a person’s “marital relationship in the District of Columbia.” *Id.* at 562 (quoting D.C. Code § 13-423(a)(7)(E)). Upon remand, the parties settled, and the Probate Division of Superior Court granted a Validation of Marriage at Issue.

Marriage Rights And Responsibilities

Marriage has been evolving from the beginning of its establishment. In colonial America, marriage was mainly a matter of property and reproduction. “When a colonial woman married, she gave up any legal right as an individual. She was legally bound to obey her husband, just as she would obey God.”[1]. Most people in present-day America would not define “traditional marriage” as a contract over property. Rather, romantic love and eternal commitment is largely seen as the rationale for marriage. As I strove to include what people uphold as sacred in “traditional marriage”, I was hard-pressed to find one cohesive, long-standing belief system that defined marriage. Ultimately, this led me to *The Rights and Responsibilities of Marriage*, a list from 1997 of 1,138 statutory provisions determining the benefits, rights, and privileges of marriage from the United States Government Accountability Office (GAO). It was originally comprised upon request from the defense in the U.S. Supreme Court case *United States vs. Windsor*, the case that ended DOMA (the Defense of Marriage Act, which stated marriage was only to be between a man and a woman). This list removes any preconceived and/or subjective ideas about what traditional marriage may be and replaces it with the legal definition of a marriage contract in America. Thus, this painting was created to represent long-standing marriage traditions in America. It has the list of benefits, rights, and privileges of marriage laser cut into an image of an older couple to show a long-lasting, loving, intimate and sexual relationship between two partners.

[1] <http://www.pbs.org/opb/historydetectives/feature/marriage/>

Marriage Rights and Responsibilities
laser cut watercolor painting on paper, 39 x 28.25 inches ©2020





United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-275860

January 31, 1997

The Honorable Henry J. Hyde
Chairman, Committee on the Judiciary
House of Representatives

Dear Mr. Chairman:

The Defense of Marriage Act,¹ which became law on September 21 of last year, defines "marriage" as "a legal union between one man and one woman as husband and wife"; similarly it defines "spouse" as referring "only to a person of the opposite sex who is a husband or a wife." Because the Act makes both definitions apply "[i]n determining the meaning of any Act of Congress," it potentially affects the interpretation of a wide variety of federal laws in which marital status is a factor.

In connection with the enactment of the Defense of Marriage Act, you asked us, in your September 5, 1996, letter, to identify federal laws in which benefits, rights, and privileges are contingent on marital status. Your staff agreed that we should identify more generally all those laws in the United States Code in which marital status is a factor, even though some of these laws may not directly create benefits, rights, or privileges.

To find laws that meet these criteria, we conducted searches for various words or word stems ("marr," "spouse," "widow," etc.), chosen to elicit marital status, in several electronic databases that contain the text of federal laws. From the collection of laws in the United States Code that we found through those searches, we eliminated (1) laws that included one or more of our search terms but that were not relevant to your request² and (2) as agreed with your staff, any laws enacted after the Defense of Marriage Act. The result is a

¹Public Law 104-199, 110 Stat. 2419.

²For example, our search for the word stem "marr," designed to capture words such as "marriage" and "marry," also produced references to laws mentioning bone marrow transplants, the city of Marrakesh, and proper names containing the letters "marr."

collection of 1049 federal laws classified to the United States Code in which marital status is a factor.

This collection of laws is as complete and representative as can be produced by a global electronic search of the kind we conducted, but such a search has several limitations. Most significantly, it cannot capture every individual law in the United States Code in which marital status figures. However, we believe that the probability is high that it has identified those *programs* in the Code in which marital status is a factor.

Because of the inherent limitations of any computer search³ and the many ways in which the laws in the United States Code may have dealt with marital status, the only way to create an exhaustive list of laws in the Code implicating marital status would be to read and analyze the Code in its entirety. We believe that such an effort would not generate substantially more useful information than we have provided here.

A second caveat concerning our data is that they include only laws classified to the United States Code. As you know, the Code is a compendium of "general and permanent" laws. Although appropriations and annual authorizations, for example, might contain references to marital status, they are typically in effect for a single year, and therefore do not appear in the Code.

Finally, no conclusions can be drawn, from our identification of a law as one in which marital status is a factor, concerning the effect of the law on married people versus single people. A particular law may create either advantages or disadvantages for those who are married, or may apply to both married and single people. For example, those who are unmarried fare better than their married counterparts under the so-called marriage penalty provisions of the tax laws, while married couples enjoy estate tax benefits not available to the unmarried. Other laws apply both to married and single people by virtue of terms like "survivors," "relatives," family," and "household."

The raw data produced by our searches were in a form that made them unwieldy and difficult to use. One reason for this is the sheer number of individual laws that we identified. Also, we conducted multiple searches in several databases, resulting in several separate lists in varying formats. Finally, the laws on the lists were organized as they are in the United States Code; for a reader attempting to understand what kinds of laws make

³One such limitation results from the use of statutory definitions. Our search for occurrences of "spouse" would find a law defining "relative," for purposes of a program, as including a spouse. It would not find the laws in that program that, by referring to "relative," apply to a spouse. A search for "relative" does not solve this problem. That word is used commonly in senses unrelated to marital status (as are other terms such as "single"). A computer cannot distinguish between these senses; a lawyer would have to examine each occurrence of "relative" to determine whether it refers to marital status.

marital status a factor, that organization is not consistently helpful. Some of the Code's 50 titles contain laws on seemingly unrelated subjects. Title 42, under the broad designation "The Public Health and Welfare," includes laws ranging from Social Security to nuclear waste disposal to civil rights and privacy protection. Conversely, closely parallel provisions may appear in different titles: benefits for most federal civil servants are in Title 5, Government Organization and Employees, but similar provisions for Foreign Service officers are in Title 22, Foreign Relations and Intercourse.

To give readers a sense of the kinds of federal laws in which marital status is a factor, we classified the laws on the list into the following 13 categories⁴:

- Social Security and Related Programs, Housing, and Food Stamps
- Veterans' Benefits
- Taxation
- Federal Civilian and Military Service Benefits
- Employment Benefits and Related Laws
- Immigration, Naturalization, and Aliens
- Indians
- Trade, Commerce, and Intellectual Property
- Financial Disclosure and Conflict of Interest
- Crimes and Family Violence
- Loans, Guarantees, and Payments in Agriculture
- Federal Natural Resources and Related Laws
- Miscellaneous Laws

While we believe this classification scheme is useful for organizing the hundreds of statutes on the list, and for representing the range of federal programs and activities in which the law makes marital status relevant, it should not be regarded as definitive. Other ways of categorizing these laws would be equally valid. Moreover, the categories we use are not mutually exclusive: many laws could arguably be in a different category. A general description of each category and a few examples of the laws it contains are in enclosure I. The full lists of statutes in each category are in enclosure II.

As arranged with your staff, unless you announce its contents earlier, we plan no further distribution of this letter for 7 days after its issue date. At that time, we will make copies available on request.

If you have any questions, please call me at (202) 512-8203 or Susan Poling, Assistant General Counsel, at (202) 512-2667.

Sincerely yours,

⁴The order of the categories is not significant, except that the first four are those in which marital status is most pervasive, and are the largest.

Categories of Laws Involving Marital Status

CATEGORY 1—SOCIAL SECURITY AND RELATED PROGRAMS, HOUSING, AND FOOD STAMPS

This category includes the major federal health and welfare programs, particularly those considered entitlements, such as Social Security retirement and disability benefits, food stamps, welfare, and Medicare and Medicaid.¹ Most of these laws are found in Title 42 of the United States Code, The Public Health and Welfare; food stamp legislation is in Title 7, Agriculture.

In many of these programs, recognition of the marital relationship is integral to the design of the program. For example, the law establishing the Old Age, Survivors, and Disability Insurance (OASDI) program (Social Security) is written in terms of the rights of husbands and wives, and widows and widowers. Once the law sets forth the basic right of an individual participant to retirement benefits, it prescribes in great detail the corresponding rights of the current or former spouse. Whether one is eligible for Social Security payments, and if so how much one receives, are both dependent on marital status. This is reflected in the provisions for what happens upon the death of a beneficiary: if certain conditions are met, then a spouse or a divorced spouse (as well as a widow or widower) has a right to payments based on the marriage, rather than on his or her own earnings.

The part of the Social Security Act that governs the OASDI program is unusual in that, unlike many other laws we have identified, it defines the terms "husband" and "wife." It does so in terms of state law: a person is the wife or husband of an insured individual for purposes of OASDI if "the courts of the State [of domicile] ... would find that such applicant and such insured individual were validly married ..." or, if not, that under the state's laws of intestate succession, the person would have the same status with respect to the individual's property as a wife or husband, widow or widower. Those 65 or older who are eligible for Social Security retirement benefits, or who have received Social Security disability benefits for at least 2 years, are also eligible for benefits under Medicare.

The Social Security Act also authorizes the Supplemental Security Income (SSI) program, for the needy aged, blind, and disabled. Under SSI, both the level of income to determine eligibility and the level of benefits for those who are eligible differ, depending whether the applicant has an eligible spouse or not. SSI defines "eligible spouse" as an aged, blind, or disabled individual who is the husband or wife of another aged, blind, or disabled individual. The SSI law goes on

¹The recently enacted welfare reform bill, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, greatly affected some of the provisions in this category, but the changes are not generally effective until July 1997. Where both the old and new provisions appear in the United States Code, we have included both—the ones in effect until July 1997 and the ones that take effect thereafter—in Enclosure II.

Barry R. Bedrick
Associate General Counsel

Enclosures - 2

to say that, in determining whether two individuals are husband and wife, state law will generally apply, except that if a man and a woman have been determined to be husband and wife for purpose of OASDI or, if a man and woman are found to be holding themselves out to the community as husband and wife, they are also husband and wife for purposes of SSI.

Child support enforcement is another program, also established under the Social Security Act, that contains provisions affecting spouses. Its purpose is to provide help (1) in enforcing the support obligations of absent parents to their children and to the spouse with whom the children may be living, and (2) in obtaining child and spousal support. If an obligation has been established under state law for one spouse to support another, and if the supported spouse is receiving assistance under Medicaid (see below) or AFDC (Aid to Families with Dependent Children), then a state participating in the child support enforcement program must help enforce the support obligation.

Medicaid is a jointly funded federal-state entitlement program to provide medical assistance to qualifying low-income people, including those eligible for AFDC² and SSI, non-AFDC low-income children and pregnant women, and low-income Medicare beneficiaries. In determining a person's eligibility for Medicaid based on income, states may consider the spouse's financial responsibility for the person, but may not consider anyone else's financial responsibility. Spouses are considered "essential" to individuals receiving Medicaid benefits, and are therefore eligible for medical assistance themselves. The Medicaid statute also prescribes how to account for the income and resources of the spouse of an institutionalized person, for purposes of determining that person's eligibility for benefits.

In the broad federal program of housing assistance for low-income families the definition of "families" takes marital status into account. For some purposes, the term means families whose heads, or their spouses, are elderly, near-elderly, or disabled. However, the same provision includes a definition of families—"2 or more elderly persons, near-elderly persons, or persons with disabilities living together"—that does not require any marital relationship. The same law makes marital status a factor in determining whether a family qualifies for assistance in terms of income. Applicants may exclude \$550 for each family member who is under 18, or is disabled or handicapped or a full-time student, but this exclusion does not apply to "the head of the household or his spouse." Also to be excluded is any payment by a member of the family for the support and maintenance of a spouse or former spouse who does not live in the household.

In the National Affordable Housing program, marital status also is significant. The program is intended to assist families, and particularly "first-time homebuyers," in buying homes. "First-time homebuyer" is defined, in part, as an individual "and his or her spouse" who have not owned a home during the preceding 3 years.

²Under welfare reform, AFDC will be replaced by Temporary Assistance for Needy Families in July 1997. States will have the option of terminating Medicaid benefits for individuals who refuse to work.

In the Food Stamp program (also to be broadly affected by welfare reform), marital status is not central, but does play a role. Eligibility for benefits under the program is determined on the basis of households, and "household" includes not only spouses who live together, but also groups of individuals who live together and customarily buy and prepare food together.

CATEGORY 2—VETERANS' BENEFITS

Veterans' benefits, which are codified in Title 38 of the United States Code, include pensions, indemnity compensation for service-connected deaths, medical care, nursing home care, right to burial in veterans' cemeteries, educational assistance, and housing. Husbands or wives of veterans have many rights and privileges by virtue of the marital relationship.

A surviving spouse or child of a veteran is entitled to receive monthly dependency and indemnity compensation payments when the veteran's death was service-connected, and to receive a monthly pension when the veteran's death was not service-connected. If it is discovered that a veteran's marriage is invalid, the purported marriage may nevertheless be deemed valid under certain circumstances, as long as a "real" widow or widower does not ask for benefits.

Veterans who have at least a 30 percent disability are entitled to additional disability compensation if they have dependents. For this purpose a spouse is considered a dependent. A veteran's spouse may also receive compensation if a veteran disappears. On the other hand, a spouse's estate is considered along with the veteran's when the Secretary of Veterans Affairs determines whether it is reasonable that some part of the veteran's assets be used for the veteran's maintenance and whether the Secretary should discontinue paying the pension.

The spouses of certain veterans are entitled to medical care provided by the government. In determining, based on income and assets, whether a veteran has the ability to defray necessary home care and medical expenses, the property of the spouse of the veteran is included as an asset of the veteran. Spouses of veterans may be beneficiaries of National Service Life Insurance, and are also eligible for interment in national cemeteries if the veteran is eligible. The surviving spouse of a veteran who died of a service-connected disability is entitled to educational assistance for up to 45 months, and to job counseling, training, and placement services. Spouses and widows or widowers of certain veterans also enjoy preferences in federal employment.

CATEGORY 3—TAXATION

The distinction between married and unmarried status is pervasive in federal tax law; this is one of the largest categories, with 179 provisions. Tax law does not define such terms as "husband," "wife," or "married."

Marital status figures in federal tax law in provisions as basic as those giving married taxpayers the option to file joint or separate income tax returns. It is also seen in the related provisions prescribing different tax consequences depending on whether a taxpayer is married filing jointly,

married filing separately, unmarried but the head of a household, or unmarried and not the head of a household.

The different treatment in the tax code of married couples and single individuals gives rise to one of the most contentious tax policy issues, the so-called marriage penalty (and its counterpart, the marriage bonus). This issue comes into play in connection with income tax rates, the treatment of capital losses, credits for the elderly and disabled, taxation of Social Security benefits, and a number of other provisions of the tax code. In our report, Tax Administration: Income Tax Treatment of Married and Single Individuals,³ we identified 59 provisions in income tax law under which tax liability depends in part on whether a taxpayer is married or single.

Marital status also plays a key role in the estate and gift tax laws and in the part of the tax code dealing with taxation on the sale of property. For estate tax purposes, property transferred to one spouse as the result of the death of another is deductible for purposes of determining the value of the decedent's estate. Gifts from one spouse to another are deductible for purposes of the gift tax. Gifts from one spouse to a third party are deemed to be from both spouses equally. The law permits transfers of property from one spouse to another (or to a former spouse if the transfer is incident to a divorce) without any recognition of gain or loss for tax purposes. These provisions permit married couples to transfer substantial sums to one another, and to third parties, without tax liability in circumstances in which single people would not enjoy the same privilege.

CATEGORY 4—FEDERAL CIVILIAN AND MILITARY SERVICE BENEFITS

This category includes laws dealing with current and retired federal officers and employees, members of the Armed Forces, elected officials, and judges, in which marital status is a factor. Typically these laws address the various health, leave, retirement, survivor, and insurance benefits provided by the United States to those in federal service and their families.

Over 270 of the 1049 provisions we found fall in this category. They appear primarily in Title 5 of the United States Code, Government Organization and Employees, for civilian employees, and Title 10, Armed Forces, for military members. However, parallel provisions are found in 19 other titles covering, for example, Foreign Service officers (Title 22, Foreign Relations and Intercourse), Central Intelligence Agency employees (Title 50, War and National Defense), Lighthouse Service employees (Title 33, Navigation and Navigable Waters), and members of the Coast Guard (Title 14, Coast Guard).

Marital status is a factor in these laws in many ways. Among the laws governing federal employees and officers, it figures in the following provisions: a law establishing health benefits or survivor benefits for spouses; a law prescribing the order of precedence in payment of final paychecks and life insurance benefits of employees or officers who die without having designated

a beneficiary; and a law determining the rights of current or former spouses to a retirement annuity after the death of an employee.

In addition, under provisions for reimbursement of employees' expenses in connection with a government-ordered relocation, spouses are eligible for per diem allowances or subsistence payments. Federal civil service employees are entitled to unpaid leave in order to care for a spouse with a serious health problem, and an employee disabled by work-related injuries receives augmented compensation if he or she is married.

A different set of laws governs military personnel and their families. Some of the provisions unique to military service include: employment assistance and transitional services for spouses of members being separated from military service; continued commissary privileges for dependents, including spouses, of members separated for spousal or child abuse, and the right of minor spouses of overseas military personnel to free secondary education through the Defense Department school system.

CATEGORY 5—EMPLOYMENT BENEFITS AND RELATED LAWS

Marital status comes into play in many different ways in federal laws relating to employment in the private sector. Most such laws appear in Title 29 of the United States Code, Labor. However, others are in Title 30, Mineral Lands and Mining; Title 33, Navigation and Navigable Waters; and Title 45, Railroads.

This category includes laws that address the rights of employees under employer-sponsored employee benefit plans; that provide for continuation of employer-sponsored health benefits after events like the death or divorce of the employee; and that give employees the right to unpaid leave in order to care for a seriously ill spouse. In addition, Congress has extended special benefits in connection with certain occupations, like mining and public safety. The spouse of a coal miner who dies of black lung disease is entitled to benefits, for example. The surviving spouse of a public safety officer killed in the line of duty is eligible for a death benefit of up to \$100,000.

Spouses are sometimes excluded from coverage as employees under certain laws. For example, under the National Labor Relations Act, an individual working for his or her spouse does not come within the definition of "employee," and therefore does not have the right, available under the Act to other employees, to organize or to engage in collective bargaining. If the only regular employees of a business are the owner and his or her spouse, then the business is not subject to regulation of wages and hours under the Fair Labor Standards Act of 1938 (FLSA). Similarly, the spouse or other family member of an employer working in agriculture is not covered under FLSA requirements like minimum wage.

Some laws protect the interests of one spouse when the other becomes eligible for some benefit. The Employee Retirement Income Security Act prohibits an employee from changing

³GAO/GGD-96-175, September 3, 1996.

beneficiaries in a retirement plan or from waiving the joint and survivor annuity form of retirement benefit, without the written consent of his or her spouse.

The Railroad Retirement Act confers many rights on retired railroad employees and their spouses. Spouses may be eligible for annuities and lump sum benefits. Congress has also enacted a workers' compensation law for longshore and harbor workers that establishes survivor benefits for spouses.

CATEGORY 6—IMMIGRATION, NATURALIZATION, AND ALIENS

This category includes laws governing the conditions under which noncitizens may enter and remain in the United States, be deported, or become citizens. Most are found in Title 8, Aliens and Nationality.

The law gives special consideration to spouses of immigrants and aliens in a wide variety of circumstances. Under immigration law, aliens may receive special status by virtue of their employment, and that treatment may extend to their spouses. For example, the spouses of aliens who come to the United States on a temporary basis (to work as registered nurses, seasonal agricultural workers, or in certain specialty occupations), and who meet other criteria, are not subject to the worldwide numerical limitations on levels of immigration. Also, spouses of aliens granted asylum can be given the same status if they accompany or join their spouses.

Spouses of aliens do not enjoy favored immigration status in all circumstances. Posthumous citizenship is authorized for noncitizen members of the armed forces who die during hostilities, but not for their spouses. When the government revokes the citizenship of someone because it was obtained through misconduct, and that person's spouse derived his or her citizenship from the marriage, the spouse's citizenship will also be revoked.

Some provisions of immigration law are designed to prevent misuse of marital status. The law calls for termination of the permanent resident status of an alien granted on the basis of marriage, if it is determined that the marriage was for the purpose of procuring the alien's entry to the United States, or if the marriage is annulled or terminated (other than through the death of a spouse) within two years.

The Congress recently limited the eligibility of qualified aliens for certain federal programs—such as SSI, Temporary Assistance for Needy Families (which will replace AFDC), and Social Services block grants—but it made a few exceptions, one of which directly benefits spouses of veterans. Aliens who are serving on active duty in the Armed Forces or who are honorably discharged veterans, and their spouses, remain eligible for these benefits in the same manner as a citizen. Federal law also provides that the incomes of the sponsor of an immigrant, and of the sponsor's spouse, are to be taken into account in determining the immigrant's eligibility for means-tested public benefits.

CATEGORY 7—INDIANS

The indigenous peoples of the United States have long had a special legal relationship with the federal government through treaties and laws that are classified to Title 25, Indians. Various laws set out the rights to tribal property of white men marrying Indian women, or of Indian women marrying white men, the evidence that is required, and the rights of children born of marriages between white men and Indian women.⁴

The law also establishes Indians' rights to develop descent and distribution rights regarding their property as long as they include certain provisions. Most relevant to this discussion is the right of a surviving spouse who is neither an Indian nor a member of the deceased spouse's tribe to elect a life estate in property that he or she is occupying at the time of the death of the other spouse. Another law governing rights of Navajo and Hopi Indians gives relocation benefits to spouses who relinquish their life estates.

Health services can also be made available to otherwise ineligible spouses of an eligible Indian if all such spouses are made eligible by an appropriate resolution of the governing body of the tribe. Health professionals seeking positions in the Indian Health Service and their spouses may be reimbursed for actual and reasonable expenses incurred in traveling to and from their homes to an area in which they could be assigned to allow them to evaluate the area with respect to the assignment.

CATEGORY 8—TRADE, COMMERCE, AND INTELLECTUAL PROPERTY

This category includes provisions concerning foreign or domestic business and commerce, from the following titles of the United States Code: Bankruptcy, Title 11; Banks and Banking, Title 12; Commerce and Trade, Title 15; Copyrights, Title 17; and Customs Duties, Title 19.

Federal law prescribes the right of debtors to seek bankruptcy protection and the rights of creditors when their debtors adopt that strategy. It expressly permits spouses to file jointly for bankruptcy protection. This may benefit both the debtors and their creditors: the married couple pays only one filing fee and creditors file only one claim.

Bankruptcy law prescribes how to distribute the assets of a bankrupt person, assigns specific priorities to different classes of creditors, and permits a bankrupt debtor to be "discharged" (i.e., released) from the obligation to repay certain debts. A former spouse of the debtor making a claim in a bankruptcy proceeding for payments pursuant to a divorce decree or separation agreement is given a higher priority than some other creditors. Also, a discharge in bankruptcy generally does not relieve a debtor of the obligation to pay alimony or support to a spouse or former spouse in connection with a divorce decree or separation agreement.

⁴The laws in this category dealing with marriage that use the terms "Indian" and "white" are more than 100 years old, and have not been amended since their enactment in 1888.

The National Housing Act addresses the rights of mortgage borrowers. Banks often use a so-called due-on-sale clause in mortgage agreements that permits them to declare the loan payable in full if the borrower sells the property without their consent. The Act prohibits use of the due-on-sale clause in case of transfers of residential property from one spouse to another.

For some purposes, the laws regulating investment companies and advisers apply not only to the advisers themselves, but also to what the law terms "interested persons." "Interested persons" is defined to include the spouses of certain persons, of their parents, and of their children.

The Consumer Credit Protection Act regulates some aspects of garnishment of wages, a legal process whereby a creditor collects a debt by having the debtor's employer pay part of the debtor's wages directly to the creditor. The Act establishes that at most 25 percent of the disposable earnings of an individual can be withheld through garnishment. However, if the purpose of the garnishment is to enforce an order for the support of a spouse, the maximum is 60 percent or, if the wage earner is supporting a spouse (not the former spouse for whose benefit the support order was issued), 50 percent.

The Copyright Act gives renewal rights and termination rights, in some circumstances, to the widow or widower of the creator of a copyrighted work. The law defines "widow or widower" as the creator's surviving spouse under the law of the creator's domicile at the time of his or her death, whether or not the spouse subsequently remarries.

The amount of customs duty on imported merchandise depends on its value. Under the law, the actual transaction value—that is, how much the buyer paid the seller—may be used to establish value if the buyer and seller are not "related." For this purpose, spouses are deemed to be related. Also, certain countries that deny or restrict the ability of their citizens to emigrate in order to join "close relatives" in the United States can be penalized by the imposition of restrictions on their trade with the United States. "Close relative," for purposes of this law, includes a spouse.

Under the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993, the federal government provides a mechanism for financing programs to strengthen the market for cut flowers and greens, through an assessment of "handlers" of these products whose annual sales exceed \$750,000. Marital status comes into play in determining whether a handler meets the \$750,000 threshold: for this purpose, sales by one spouse are attributed to the other.

CATEGORY 8—FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

Federal law imposes obligations on Members of Congress, employees or officers of the federal government, and members of the boards of directors of some government-related or government-chartered entities, to prevent actual or apparent conflicts of interest. These individuals are required to disclose publicly certain gifts, interests, and transactions. Many of these requirements, which are found in 16 different titles of the United States Code, apply also to the individual's spouse.

The law regulates the conditions under which gifts from foreign governments and international organizations may be accepted by spouses of employees of the Postal Service, the Postal Rate Commission, certain government contractors, employees of the District of Columbia government, members of the uniformed services, Members of Congress, the President, and the Vice President. Employees of executive, legislative, and judicial agencies may not appoint relatives, including spouses, to agencies in which they serve or exercise control. The spouses of members of the Senate may not accept, in any calendar year, gifts worth more than \$250, without getting a waiver.

Elsewhere in the Code are rules intended to prevent conflicts of interest on the part of members of various councils and boards. For instance, members of the boards of directors of the National Sheep Industry Improvement Center and the Alternative Agricultural Research and Commercialization Corporation are prohibited from participating in any matter pending before either board in which a spouse holds an interest. The law governing the members of Regional Fishery Management Councils is somewhat different. Members are required to disclose and make available for public inspection any financial interests they or their spouses might have in an activity that the councils might undertake.

Another variation in the treatment of conflict of interest involving spouses appears in connection with the National Foundation for Biomedical Research. Instead of prescribing conflict of interest rules for the Foundation, the Congress directed it to devise its own standards. However, those standards must ensure that officers, employees and agents of the Foundation (including members of the Board), and their spouses, avoid encumbrances that could result in a financial conflict of interest or a divided allegiance.

CATEGORY 10—CRIMES AND FAMILY VIOLENCE

This category includes laws that implicate marriage in connection with criminal justice or family violence. The nature of these provisions varies greatly. Some deal with spouses as victims of crimes, others with spouses as perpetrators. These laws are found primarily in Title 18, Crimes and Criminal Procedure, but some, dealing with crime prevention and family violence, are in Title 42, The Public Health and Welfare.

Attempting to influence a United States official through threats directed at a spouse is a federal crime, as are killing, or attempting to kill, foreign officials or their spouses, or threatening to kill certain persons protected by the Secret Service, such as major presidential candidates and their spouses.

Under federal criminal statutes, spouses and others have some protections against domestic violence. It is a federal crime for a person to travel across a state line with the intent to injure a spouse or "intimate partner" if that person intentionally commits a crime of violence and causes bodily injury to the spouse or intimate partner. The term "spouse or intimate partner" is broadly defined to include a former spouse, someone who "shares a child in common" with the abuser, and someone who "cohabits or has cohabited with the abuser as a spouse."

In some cases, marriage can be a factor in triggering criminal liability. For example, a widow's or widower's entitlement to federal employee survivor payments ceases upon remarriage; such a widow or widower who remarries and continues to accept payment may, if found guilty, be fined or imprisoned.

Claiming marital status that does not exist can also be a crime. Falsely representing oneself to be the spouse or surviving spouse of an individual in order to elicit information about the Social Security number, date of birth, employment, wages, or benefits of that individual, is a felony.

Comprehensive crime control legislation directed the Attorney General to study the means by which abusive spouses obtain information concerning the addresses or locations of estranged or former spouses, despite the desire of the victims to have the information withheld. Congress also has charged the National Commission on Crime Prevention and Control to evaluate the adequacy of federal and state laws on sexual assault and the need for a more uniform statutory response to sex offenses. This mandate specifically addresses sexual assaults and other sex offenses committed by offenders who are known, or related by blood or marriage, to the victim.

Criminal justice grants are given to encourage arrest of domestic violence offenders; "domestic violence" includes an act of violence by a current or former spouse. Another provision gives nationals of the United States who are victims of acts of terrorism committed outside the United States, and their survivors, including spouses, a statutory right to bring a civil action for treble damages.

CATEGORY 11—LOANS, GUARANTEES, AND PAYMENTS IN AGRICULTURE

Under many federal loan programs, a spouse's income, business interests, or assets are taken into account for purposes of determining a person's eligibility to participate in the program. In other instances, marital status is a factor in determining the amount of federal assistance to which a person is entitled, or the repayment schedule.

Education loan programs are found primarily in Title 20, Education; housing loan programs for veterans are found in Title 38, Veterans' Benefits. Title 7, Agriculture, includes provisions governing agricultural price supports and loan programs that are affected by the spousal relationship.

Under the federal family education loan program, the income and assets of an independent student's spouse are attributed to the student for purposes of determining whether the student is eligible for a loan and, if so, the amount. Married couples may consolidate their separate student loans into one if they agree to be jointly and severally liable for repayment of the consolidated loan, without regard either to the amounts of the respective loan obligations to be consolidated or to any subsequent change in their marital status. Under the federal direct student loan program, the Secretary of Education, in order to determine the annual repayment amount when repayment is contingent on the borrower's income, may obtain information regarding the income not only of

the borrower but also of the borrower's spouse. Repayment schedules are generally based on the adjusted gross income of both spouses.

Many of the laws governing veterans' benefits implicate marital status. Eligibility for assistance in borrowing for housing extends to the surviving spouses of veterans who die from a service-connected disability, and to the spouses of certain veterans who, for more than 90 days, have been missing in action, captured by hostile forces, or forcibly detained by a foreign government.

The laws governing agriculture include provisions for price supports and loan programs that are affected by marital status. For example, the law limits the amount of certain crop support payments that any one person can receive. For this purpose, a husband and wife are considered to be one person, except to the extent each may have owned property individually before the marriage. Also, agricultural loans for real estate, operating expenses, and emergencies may be made to "family farms," defined as those farms in which a majority interest is held by individuals related by marriage or blood.

CATEGORY 12—FEDERAL NATURAL RESOURCES AND RELATED LAWS

Federal law gives special rights to spouses in connection with a variety of transactions involving federal lands and other federal property. These transactions include purchase and sale of land by the federal government and lease by the government of water and mineral rights.

When the government purchases land for national battlefields, monuments, seashores, or parks, the law commonly allows those from whom the land is purchased and their spouses to continue to use and occupy it during their lifetimes. For example, those owning houses (and their spouses) when the Stones River National Battlefield and Sleeping Bear Dunes National Lakeshore were created have life estates in the land. Although these laws affect relatively few individuals, we found more than 40 such provisions in Title 16, Conservation.

In addition to playing a role under these provisions for the government to buy land, spousal relationship has also been a factor in determining priorities among potential buyers when the government is selling federal lands. For example, when Congress decided in 1955 to terminate ownership of land used by the Atomic Energy Commission and sell it to local entities and private parties, it generally barred any transfer of priorities for purchase, but allowed a husband and wife to exercise a priority in their joint names.

The marital relationship may affect whether an individual can be considered a surface mine owner with whom the Secretary of Labor can negotiate a lease. To be designated a surface mine owner, an individual must hold legal or equitable title to the land for a 3-year period and his or her principal residence must be on the land. In computing the 3-year period, the Secretary may include periods during which a relative by blood or marriage, including a spouse, owned the land.

Under laws governing reclamation and irrigation of lands by the federal government, the basic unit of ownership is 160 irrigable acres. Under certain conditions, if the death of a spouse causes lands in private ownership to become excess lands (having more than 160 acres) but those lands were eligible to receive water from a project under the Federal reclamation laws without a recordable contract, the Secretary of the Interior is authorized to furnish water to them, without requiring the contract, as long as the lands are owned by the surviving spouse. If the surviving spouse remarries, the exception no longer applies, and lands in excess of 160 irrigable acres are appraised in the usual manner.

CATEGORY 13—MISCELLANEOUS

This category comprises laws that do not fit readily in any of the other categories and that in our judgment did not warrant a separate category. It is a heterogeneous mix of provisions from 14 titles of the United States Code.

Fourteen statutes in the Code that prohibit discrimination on the basis of marital status are listed in this category. For example, such discrimination is prohibited in executive agencies, and is unlawful for a creditor in private financial transactions.

This category includes the laws chartering various patriotic societies, such as the Veterans of Foreign Wars, that have as one of their purposes to assist the widows and children of servicemen or others. The Gold Star Wives of America and Navy Wives Clubs of America have one of our search terms in their titles.

We also included in this category laws related to the federal financing of presidential election campaigns. To be eligible for federal funds, candidates may not spend more than \$50,000 of their own money or that of members of their immediate families for their campaigns. A spouse or a close relative's spouse is deemed to be a member of the candidate's immediate family for this purpose.

ENCLOSURE II

Tables of Laws in the United States Code
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Title 7—Agriculture	
Chapter 5—Food Stamp Program	
§ 2012	Definitions
§ 2014	Eligible households
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§ 2030	Washington Family Independence Demonstration Project
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Title 42—The Public Health And Welfare	
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§ 402	Old-age and survivors insurance benefit payments
§ 403	Reduction of insurance benefits
§ 404	Overpayments and underpayments
§ 405	Evidence, procedure, and certification for payments
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§ 410	Definitions relating to employment
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§ 413	Quarter and quarter of coverage
§ 415	Computation of primary insurance amount
§ 416	Additional definitions
§ 422	Rehabilitation services
§ 423	Disability insurance benefit payments
§ 425	Additional rules relating to benefits based on disability
§ 426	Entitlement to hospital insurance benefits
§ 426-1	End stage renal disease program
§ 427	Transitional insured status for purposes of old-age and survivors benefits
§ 428	Benefits at age 72 for certain uninsured individuals
Subchapter IV—Grants To States For Aid And Services To Needy Families With Children And For Child-Welfare Services	
Part A—Aid To Families With Dependent Children [Effective until July 1, 1997]	
§ 602	State plans for aid and services to needy families with children; contents; approval by Secretary; records and reports; treatment of earned income advances
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§ 615	Attribution of income and resources of sponsor and spouse to alien
Part A—Block Grants To States For Temporary Assistance For Needy Families [Effective on July 1, 1997]	
§ 601	Purpose

CATEGORY 1—SOCIAL SECURITY AND RELATED PROGRAMS, HOUSING, AND FOOD STAMPS

§ 604	Use of grants
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§ 651	Authorization of appropriations
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§ 653	Federal Parent Locator Service
§ 654	State plan for child and spousal support
§ 659	Enforcement of individual's legal obligations to provide child support or make alimony payments
§ 661	Regulations pertaining to garnishments [Public Law 104-193 provides for repeal of this section, effective February 22, 1997.]
§ 662	Definitions
§ 664	Collection of past-due support from Federal tax refunds
§ 665	Allotments from pay for child and spousal support owed by members of uniformed services on active duty
§ 666	Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
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§ 679a	National Adoption Information Clearinghouse
Subchapter V—Maternal And Child Health Services Block Grant	
§ 710	Separate program for abstinence education
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§ 907a	National Commission on Social Security
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§ 1319	Federal participation in payments for repairs to home owned by recipient of aid or assistance
§ 1320a-6	Adjustments in SSI benefits on account of retroactive benefits under subchapter II
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§ 1382b	Resources
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§ 1382g	Payments to State for operation of supplementation program
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CATEGORY 1—SOCIAL SECURITY AND RELATED PROGRAMS, HOUSING, AND FOOD STAMPS

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CATEGORY 2—VETERANS' BENEFITS

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The Universal
Declaration Of Human
Rights

ARTICLE XVI

Men And Women Of Full
Age, Without Any
Limitation Due To Race,
Nationality Or Religion,
Have The Right To Marry
And To Found A Family.
They Are Entitled To
Equal Rights As To
Marriage, During
Marriage And At Its
Dissolution.

Marriage Shall Be
Entered Into Only With
The Free And Full
Consent Of The
Intending Spouses.

The Family Is The
Natural And
Fundamental Group Unit
Of Society And Is
Entitled To Protection By
Society And The State.

