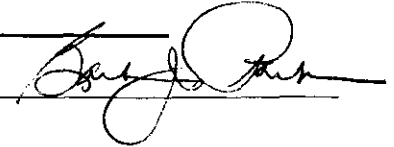


2004 APR -7 AM 9:55

OAKLAND CITY COUNCIL
RESOLUTION NO. 78465 C.M.S.

INTRODUCED BY COUNCILMEMBERS WAN, NADEL AND QUAN



**A RESOLUTION URGING DEFEAT OF THE PROPOSED FEDERAL MARRIAGE
AMMENDMENT (H.J.Res.56 & S.J.Res.26) AND THE PROPOSED ASSEMBLY JOINT
RESOLUTION ENDORSING A FEDERAL MARRIAGE AMENDMENT
(A.J.R. No. 67),**

WHEREAS, on February 24, 2004, President Bush declared his opposition to marriage equality by calling for an amendment to the federal Constitution, defining marriage as consisting only of the union of a man and a woman; and

WHEREAS, House Joint Resolution 56 (H.J.Res.56), introduced on May 21, 2003 by Marilyn Musgrave, R-Colorado, "declares that marriage in the United States shall consist only of the union of a man and a woman," and would prohibit "the Constitution or any State constitution, or State or Federal law from being construed to require that marital status or its legal incidents be conferred upon unmarried couples"; and

WHEREAS, an identical proposal (S.J. Res. 26) was introduced in the Senate on November 25, 2003, by Senator Wayne Allard, R-Colorado; and

WHEREAS, on March 4, 2004, California State Assembly Member Dennis Mountjoy introduced Assembly Joint Resolution 67, which would request that Congress act on President Bush's call for a discriminatory amendment; and

WHEREAS, Oakland has committed to fair and equitable treatment of all persons and has codified its commitment to non-discriminatory treatment of individuals with the enactment of Oakland Municipal Code Chapter 9.44, which prohibits discrimination on the basis of marital status, sex, gender, sexual orientation and gender identity; and

WHEREAS, the City of Oakland finds any attempt to codify discrimination into the United States Constitution repugnant and anathema to the tradition of equality that we as a people hold dear, and

WHEREAS, the United States Constitution serves as the basic contract that has united us as a people and governed the manner in which we live, and

WHEREAS, both the United States Constitution and California Constitution clearly state that no person shall be deprived of life, liberty, or property without due process of law, and

WHEREAS, both the United States Constitution and California Constitution clearly state that no person within its jurisdiction will be denied equal protection of the laws, and

WHEREAS, over the course of our Nation's history, the Constitution of the United States, has been amended to protect the rights of individuals and minority groups from the tyranny of political majorities; and

WHEREAS, amendments to the Constitution of the United States have steadily expanded notions of full and equal citizenship and have secured civil rights for persons previously denied participation in civil society; and

WHEREAS, the Supreme Court of the United States and high state courts in Hawaii, Vermont and Massachusetts have held or intimated that bans on same-sex marriages are unconstitutional; and

WHEREAS, in 1967, the Supreme Court of the United States, in unanimously declaring anti-miscegenation laws unconstitutional, recognized marriage as "one of the 'basic civil rights of man' fundamental to our very existence and survival"; and

WHEREAS, in this same decision, the Supreme Court stated, "[t]he freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men"; and

WHEREAS, denying civil marriage for same-sex couples would deprive gay and lesbian families of the benefits, privileges, protections, and responsibilities provided to opposite-sex couples and their families; and

WHEREAS, discriminatory marriage laws undermine the constitutional commitment of the United States and the State of California to equality, privacy, and justice for all citizens; and

WHEREAS, the opportunity to publicly and legally commit to sharing one's life with a person of one's choice is for many people one of the most central aspects of human experience; and

WHEREAS, the denial of marriage to same-sex couples is denial of fundamental human rights; now therefore be it

RESOLVED: that the Oakland City Council recognizes and supports the fundamental right and freedom of same sex couples to marry; and be it

FURTHER RESOLVED: that the Oakland City Council hereby urges our United States Senators and Representative to reject and defeat the Federal Marriage Amendment now being proposed to the Constitution of the United States (H.J.Res.56 & S.J.Res.26) and urges our State Senator and State Assemblymember to reject and defeat the proposed Assembly Joint Resolution endorsing a

Federal Marriage Amendment (A.J.R. No. 67), so we may all live in a country dedicated to the proposition that all persons are created equal and no law shall be passed abridging our unalienable rights to life, liberty, and the pursuit of happiness; and be it

FURTHER RESOLVED: that the City Council directs the City Administrator and the City's legislative lobbyist to advocate the above positions in the United States Senate and House of Representatives and California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 6 2004, AR

PASSED BY THE FOLLOWING VOTE:

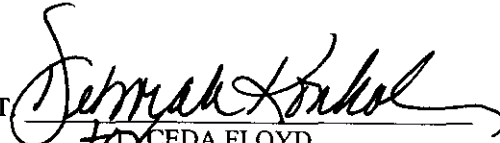
AYES - BROOKS, BRUNNER, CHANG, DE LA FUENTE, NADEL, QUAN, ~~REID~~, WAN - 7

NOES- 0

ABSENT- 0

ABSTENTION- REID-1

ATTEST



CEDRA FLOYD
City Clerk and Clerk of the Council
Of the City of Oakland, California