

AMENDED IN ASSEMBLY AUGUST 25, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

Assembly Joint Resolution

No. 19

Introduced by Assembly Members Brownley and Feuer

(Principal coauthor: Senator Leno)

**(Coauthors: Assembly Members Ammiano, Jones, Ma, and
John A. Perez)**

(Coauthor: Senator Kehoe)

May 18, 2009

Assembly Joint Resolution No. 19—Relative to marriage.

LEGISLATIVE COUNSEL'S DIGEST

AJR 19, as amended, Brownley. Marriage.

This measure would call upon the Congress and the President of the United States to repeal the discriminatory Defense of Marriage Act.

Fiscal committee: no.

1 WHEREAS, Thousands of same-sex couples in California were
2 legally married following the California Supreme Court's May
3 2008 decision in *In re Marriage Cases*, prior to the passage of the
4 discriminatory Proposition 8, which purported to prospectively
5 eliminate the right of same-sex couples to marry in this state; and
6 WHEREAS, The Defense of Marriage Act is a federal law
7 passed on September 21, 1996, and codified at Section 7 of Title
8 1 and Section 1738C of Title 28 of the United States Code; and
9 WHEREAS, The Defense of Marriage Act provides that the
10 United States government will not recognize or give effect to
11 marriages between persons of the same sex for purposes of federal
12 law; and

1 WHEREAS, The Defense of Marriage Act excludes same-sex
2 couples who are legally married in California from accessing the
3 more than 1,000 federal rights and benefits that are afforded to
4 opposite-sex spouses; and

5 WHEREAS, Among the critical rights and benefits that federal
6 law provides to protect couples and families are the right to sponsor
7 a spouse for immigration benefits, the right to access Social
8 Security survivors benefits, the right to receive health insurance
9 from a federal employee spouse, the right to file federal income
10 taxes jointly, and hundreds of other crucial protections; and

11 WHEREAS, Among other discriminatory harms, because of
12 the Defense of Marriage Act, workers in California must pay
13 federal income taxes on the value of health benefits provided by
14 an employer to the same-sex spouse of an employee, while health
15 benefits provided to ~~different-sex~~ *opposite-sex* spouses are not
16 taxed, and this discrimination results in serious financial detriment
17 to many same-sex couples and their families in California; and

18 WHEREAS, The Defense of Marriage Act provides that no state
19 is required to give effect to any public act, record, or judicial
20 proceeding of any other state respecting a relationship between
21 persons of the same sex that is treated as a marriage under the laws
22 of the other state or a right or claim arising from that relationship;
23 and

24 WHEREAS, The Defense of Marriage Act, therefore, authorizes
25 other states to discriminate against same-sex couples who are
26 legally married in California by refusing to recognize or protect
27 their relationships when they travel outside of California; and

28 WHEREAS, The Defense of Marriage Act causes significant
29 harm and unfairly discriminates against committed same-sex
30 couples and their families; now, therefore, be it

31 *Resolved by the Assembly and the Senate of the State of*
32 *California, jointly*, That the Legislature calls upon the Congress
33 and the President of the United States to repeal the discriminatory
34 Defense of Marriage Act; and be it further

35 *Resolved*, That the Chief Clerk of the Assembly transmit copies
36 of this resolution to the President of the United States, to each
37 Senator and Representative in the Congress of the United States,

- 1 and to the presiding officer of each house of each state legislature
- 2 of the several states.

O