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**Whether You Agree or Disagree With Same Sex Marriage Because of Personal, Religious, or Moral Beliefs, You Should Not Support a Constitutional Amendment Against It.**

**OPEN LETTER TO ALL NORTH CAROLINIANS**

By: Rev. Dr. William J. Barber, II  
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Article I, Section 1, of the North Carolina Constitution says: ***The equality and rights of persons. We hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.***

A few years ago, when there was a well-funded national strategy by the extreme right to promote constitutional amendments against the rights of some persons, the NAACP's National Director on Legislation and Washington Bureau Chief, Hilary Shelton, gave this testimony to the U.S. Senate:

"There is no history of enacting constitutional amendments for the purpose of restricting individual freedoms. [These proposed amendments against gay people] stand in stark contrast to the amendments that have been adopted in the spirit of freedom and liberty. As James Madison explained, constitutional amendments are reserved 'for certain great and extraordinary occasions.' Amending [a state or federal] Constitution to strip civil rights away from any group of persons is not such an occasion."

Our research shows that today shadowy money with connections to ultraconservative think-tanks and millionaires are financing a cynical move to trick some North Carolina voters in next year's election by trying to place a state constitutional amendment on the issue of "Same Sex Marriage" on the presidential election ballot. The Family Research Council has reportedly paid for radio ads, targeting both African American and White legislators who have large African American constituencies. The millionaires who fund these election tricks could care less about who marries whom. But they invest their money in issues that will affect who votes for whom. They tried to cut back on early voting and to make everyone wait in line at the DMV to get a picture ID before they can vote. Now they want to forever write discrimination into the N.C. Constitution as a means of affecting the presidential vote. The millionaires' purpose is simple: They want to distract voters' attention from our pressing economic problems to a personal issue of conscience--a matter best dealt with in our houses of worship and our consciences. This is a matter of conscience, not constitutions.

The NAACP, which I lead in North Carolina, and my own Christian faith tradition both respect the people of strong faith and conscience on both sides of this personal, moral, and religious issue of same sex marriage. In both my civil rights and my Christian lives (which are one and the same for me), I have had the honor of participating in many thoughtful (and sometimes not-so-thoughtful) discussions about this issue within the context of Christian love and inalienable civil rights.

Founded in 1909, the NAACP currently has more than 2,200 membership units across the United States with branches in every state in the nation. **Our mission for 102 years, has been to achieve equality of rights and eliminate prejudice among the people of the United States. The NAACP has always opposed any custom, tradition, practice, law or constitutional amendment that denies any right to any person. The NAACP does not and has not taken a position endorsing or opposing Gay Marriage. However, the NAACP has a long history of opposing any proposal that would alter the federal or state constitutions for the purpose of excluding any group or individuals from guarantees of equal protection under the law. Our opposition is based on our mission statement which calls for the "equality of rights of all persons."**

The issue of same sex marriage is a matter of conscience -- a matter of religious or moral perspective. It should be worked out within one's conscience, within one's faith, and within one's own heart and faith community. The North Carolina legislature is not the modern day Council of Nicaea -- and we should not want it to be. Public policy, not personal morality, is what we ought to address in the legislature. **How should the government address the public policy challenges of abject poverty, unemployment, poor education, economic justice, caring for those without health care, and equal protection under law? These are the questions that the legislature should be addressing.** We should not allow my tax dollars, and my beloved state of North Carolina, to put their beliefs into our state's most important document, to dictate to the consciences of other people here. This is a matter of conscience, not constitutions.

**A vote on the same sex marriage amendment has nothing to do with your personal opinion on same sex marriage but everything to do with whether or not you belief discrimination should be codified and legalized constitutionally.**

We need to stop for a minute and remember the history of amending the U. S. Constitution. Our nation had to fight a long and bloody civil war that our Constitution, on paper at least, began to expand its protections to all persons. The 13<sup>th</sup> Amendment abolished slavery; the 14<sup>th</sup> Amendment guaranteed all persons equal protection under the law, the 15<sup>th</sup> Amendment provided voting rights regardless of race or previous condition of servitude, the 19<sup>th</sup> guaranteed voting rights for [White] women, the 23<sup>rd</sup> provided voting rights in presidential elections for residents of the District of Columbia, the 24<sup>th</sup> eliminated discriminatory poll taxes in federal elections, and the 26<sup>th</sup> provided voting rights for younger Americans. None of the other amendments ever restricted the rights of any persons, except the two that established, then repealed, prohibition. Similarly, the North Carolina Constitution has always expanded and extended the equal rights of all persons that is in the First Section quoted above. **When we look at the history of our U.S. and N.C. Constitutions, there has never been an amendment to narrow their protections, but always to expand their protections to all persons, and to remedy past injustices.**

The real insult to the Civil Rights Movement is that same regressive ultra conservative tea party type folks suing to overturn the 1965 Voting Rights Act, which many historians consider the most important achievement of the Civil Rights Movement, re-segregate and rob our public schools of valuable resources, block workers' rights to organize, force us all to get photo ID's to exercise our right to vote, cut back on the time to vote, and repeal the Racial Justice law, now somehow think the sons and daughters of the Civil Rights Movement can't see through their Trojan Horse trick.

The ultra-conservative sponsors push their anti-gay amendment with one hand, and their restrictions on our voting rights with the other. They would write discrimination into our Constitution with one hand, but violate it by withholding enough funds for children to get a sound basic education.

**No matter our color. No matter our faith tradition. Those who stand for love and justice are not about to fall for their trick. No matter how you feel personally about same-sex marriage, no one, especially those of us whose forebearers were denied constitutional protections and counted as 3/5ths of a vote for their slave-masters and mere chattel property for other purposes in the old Constitutions-none of us should ever want to deny any other person constitutional protections. Here are 10 reasons to help us differentiate between our God-given inalienable rights and "matters of great and extraordinary importance" that will help guard and protect the inalienable rights of all persons.**

- 1. The NAACP does not and has not taken a position in support of or in opposition to gay marriage. The NAACP recognizes the issue of marriage rights for same-sex couples is a difficult and sensitive one. People of good will have heartfelt differences of opinion about it.**
- 2. Most of us, when we consider issues of marriage and family, are guided by our religious and spiritual beliefs. The NAACP respects the different religious beliefs our churches regarding family life.**
- 3. When the State of North Carolina is asked to put in our most important document an amendment prohibiting some of our people from making a highly personal choice, it places a matter of conscience and personal belief in the hands of the Government, not our churches and other faith communities. We support the constitutional right of faith communities to determine who they will and will not marry.**
- 4. Same sex marriage is already illegal in NC.**
- 5. Legislative and referendum efforts to amend the N. C. Constitution under the guise of prohibiting "same sex marriages" focus on prohibiting the rights of people of the same gender from pursuing their happiness. For 102 years the NAACP's mission has always been to "ensure the political, educational, social, and economic equality of rights of all persons." We have always opposed any custom, tradition, practice, law or constitutional amendment that denies any rights, privileges, or opportunities to any person which can legally be extended to others.**
- 6. Placing a couple of sentences in our most important state document that deny rights to some persons, but which are extended to others, is dangerous and unnecessary, and will not resolve the disagreements.**
- 7. The current legislative leadership proved earlier this year that they are not committed to obeying the Constitution as much as they are pursuing their aggressive and regressive ideology when they denied our pre-schools their constitutional right to a sound, basic education.**
- 8. The marriage we should be concerned about is the marriage of corporate money and politics. Ultra-conservative corporations have tied the knot with an ugly set of anti-public policies that undermine public education, voter protection, workers rights, protection from payday lenders, health care reform and other programs established for the public good.**
- 9. All organizations, civic and faith, have membership qualifications; but persons in North Carolina and the United States are protected by Constitutions that allow no race, religious, or gender tests.**
- 10. Our North Carolina legislature should not reverse its history of expanding the rights of all persons in its constitutional amendments, by now promoting an amendment that restricts the rights of some. We should never seek to codify discrimination into the very sanctum of our constitutional documents.**

Our legislature and all North Carolinians should focus on providing sound basic education for every child; equal access to good health care; living wages; workers' rights; recovery from natural disasters; and protections for maximum voter turnout.

We should not tell thousands families living without health care that they are better served by legislature debating whether to amend the Constitution to address a personal religious issue in a way that will enshrine discrimination into the document.

Who wants to stand in the face of parents whose children are receiving sub-par educations at woefully under-resourced public schools and explain that their primary concern should be about our legislature dictating which families are worthy of the law's protections and which ones are not.

Who would dare go to unemployed workers and tell them they should clamor to see another group of North Carolinians forever excluded from the guarantee of equal protection under the laws rather than demand that we work to provide jobs and economic empowerment for them so they can feed their families and keep a roof over their heads.

Who will look in the eyes of women victimized by brutal sterilization and tell them put your pain and hurt aside and join the chorus of those who want to write laws to hurt other people. We have too many real issues far more important to the old North State's progress than to be creating ways to discriminate.

**The NAACP strongly urges you to reject the so-called same sex amendment and any other present or future proposals of constitutional amendments that would permanently deprive any person in our great state of his or her inalienable rights.**

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