



Oppose SJ 5 and S. 557

Dear Senator:

February 3, 2022

On behalf of Pro-Family Women, we urge you to vote against SJ 5, a proposed amendment to the Virginia Constitution that is so broad that its' language could be interpreted to allow for the legalization of polygamous marriages in Virginia. S. 557, which places it on the ballot, should also be opposed.

SJ 5 removes the Virginia Constitution's current language that marriage is "between one man and one woman" (language which is dormant at this time in light of a 2015 U.S. Supreme Court decision). But SJ 5 goes beyond that. It also declares the right to marry to be "a fundamental right, inherent in the liberty of persons, and . . . one of the vital personal rights essential to the orderly pursuit of happiness." After establishing this high degree of protection for a person's right to marry, and without defining "marriage," SJ 5 then requires the Commonwealth's agents to "issue marriage licenses, recognize marriages, and *treat all marriages equally under the law* regardless of the sex or gender of the parties to the marriage." This language could be employed to legalize polygamous marriages within Virginia, as well as to require the recognition of polygamous marriages performed in another state.

Virginia's Constitution trumps Virginia statutory law. If this proposed language becomes enshrined in Virginia's Constitution, Virginia's statutory prohibitions against bigamous marriages (a second marriage by someone who is still married, § 18.2-362, § 20-38.1), incestuous marriages between close relatives (§ 20-38.1), and child marriages (§ 20-48) could all be invalidated.

Please vote NO on SJ 5 and S. 557.

Sincerely,

Susan T. Muskett, J.D.
President