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Officials support marriage measure

Bolling, McDonnell reject objection to ban on same-sex marriage

BY MICHAEL HARDY

TIMES-DISPATCH STAFF WRITER

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The state's top two GOP officeholders yesterday called for approval of the proposed marriage amendment and argued that opponents' objections are red herrings.

Attorney General Bob McDonnell and Lt. Gov. Bill Bolling said there was no chance that the state's high court would invalidate, for example, contract laws or domestic-violence protections for unmarried partners if voters endorse the state constitutional amendment on Nov. 7.

"Marriage is the bedrock institution of society and the best way" in which to rear children, said McDonnell, a former state lawmaker who represented Virginia Beach.

Among other guarantees that current laws would not be undermined, McDonnell cited his own recent advisory opinion.

"Passage of the marriage amendment will not modify the application and enforcement of Virginia's domestic-violence laws," he wrote to legislators last month. It "would not prevent prosecution of an individual cohabiting in a same-sex or other unmarried relationship for assault and battery of the other individual."

Bolling also emphasized that the General Assembly had specifically stated that the current legal rights of unmarried persons, including contracts, wills and advance medical directives, would not be affected by the amendment's adoption.

The amendment "is necessary to give constitutional protection to Virginia's statutory laws banning same-sex marriage and same-sex unions," Bolling said. "The marriage protection amendment is necessary to protect traditional marriage from possible judicial assault."

Twenty other states have approved amendments supporting traditional marriage, and Virginia is among eight others voting on the issue this year.

Yesterday, opponents warned that Virginians shouldn't approve the amendment, similar to one in Ohio, that they claimed created turmoil in the handling of domestic-violence cases.

Alexandria Ruden, a lawyer from the Legal Aid Society of Cleveland, declared, "Unlike Ohio, Virginia voters have been alerted to the very serious adverse potential consequences of this proposed amendment well before the election."

Ohio's "police, prosecutors and victims have been in a state of perpetual confusion since the amendment passed" in 2004, she said.

Also, two more local politicians voiced their strong opposition to the proposed Virginia amendment.

Del. Katherine B. Waddell, I-Richmond, and Jim Nachman, Democratic candidate for Congress in the 7th District, said passage could damage domestic-violence protections.

"We should be working to strengthen our laws to prevent domestic violence, not passing amendments that might weaken laws already on the books," Waddell said.

Nachman, who is opposing U.S. Rep. Eric I. Cantor, a Republican, argued that the amendment would lead to protracted litigation..

"I feel it will wreak havoc on the system and throw it into appellate court," said Nachman, an attorney who often handles family-law cases in the region's courts.

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