

# 'Family' talk surrounds amendment

By Kirsten Singleton | *Morris News Service*

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COLUMBIA - Michelle Berrios says she should be focusing on cancer and motherhood.

Instead, it's the combination of the two that has her attention directed elsewhere. Battling breast cancer for five months, Ms. Berrios has no guarantee about what will happen if, ultimately, she loses her health battle.

Ms. Berrios' legally has stipulated that her partner of 10 years, Roz Rivera, would continue to raise Ms. Berrios' biological daughter, 14-year-old Mariah.

But state law prohibits same-sex marriages, keeps Ms. Rivera from adopting Mariah unless Ms. Berrios gives up her parental rights and gives Ms. Rivera no particular rights if Ms. Berrios were to die and a family member contested the custody agreement.

All that will be true even if South Carolina votes "no" on a constitutional ban on same-sex marriages Nov. 7.

Still, Ms. Berrios and Ms. Rivera have committed their time and attention to defeating the amendment because, they say, it solidifies an already discriminatory law.

Opponents also say it hurts other couples, including heterosexual couples in committed, nonmarried relationships.

"We're not looking for special rights," Ms. Berrios said.

Added Ms. Rivera, "No special rights, just equal rights."

South Carolina law bans gay marriages, and the federal Defense of Marriage Act of 1996 says no state can be required to recognize a same-sex marriage performed somewhere else.

But amendment backers fear that, without a constitutional amendment, a judge might throw out the statute one day. In 2004, the Massachusetts state Supreme Court ruled that gay marriages could be performed there.

Several states reacted by passing constitutional bans in hopes of heading off similar judicial rulings.

To date, 20 states have constitutional bans on same-sex marriages, and at least seven others - including South Carolina - have statewide votes on same-sex marriages this fall.

"The people of South Carolina are very, very clear on how they feel about marriage, that it should be between one man and one woman," said Oran Smith, the president and executive director of the Palmetto Family Council.

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"There is such a lack of tolerance in this nation right now for individuality. ... I'll be shocked if the amendment is voted down." -- Bluffton high school teacher Tim Holsinger, who intends to vote "no" on the amendment

"I'm betwixt and between. God's law is a man and a woman in a marriage." But her daughter is living happily in England with a female partner. "And isn't that what we all want for our children -- to be happy?" -- Patti Zoccola of Aiken

**THE AMENDMENT**

Must Article XVII of the Constitution of this State be amended by adding Section 15 so as to provide that in this State and its political subdivisions, a marriage between one man and one woman is the only lawful domestic union that shall be valid or recognized; that this State and its political subdivisions shall not create, recognize, or give effect to a legal status, right, or claim created by another jurisdiction respecting any other domestic union, however denominated; that this amendment shall not impair any right or benefit extended by the State or its political subdivisions other than a right or benefit from a domestic union that is not valid or recognized in this State; and that this amendment shall not prohibit or limit the ability of parties other than the State or its political subdivisions from entering into contracts or legal instruments?

**Supporters say:** Without a constitutional amendment, an activist judge someday could overturn the statutory ban on gay marriages.

**Opponents say:** South Carolina already bans same-sex marriages and the amendment also denies rights such as hospital visitation and insurance for other groups as well, including heterosexual couples in committed, non-marriage relationships.

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