



At our meeting on Wednesday, the Board of Governors approved a resolution opposing Amendment One, a proposed change to the North Carolina Constitution which is on the May primary ballot. The text of the resolution is as follows:

Our organization exists to protect people's rights. We believe constitutions should be amended, if at all, to expand people's rights, not to limit them. Constitutional provisions and amendments that have restricted individual rights in the past have correctly failed the test of time. They have also made it more difficult for the people, through their elected representatives in the legislative process, to address unintended consequences of those restrictive provisions or amendments. As with other individual rights, we believe the restriction or denial of domestic partnership rights and marriage rights should not be enshrined in the North Carolina Constitution. We oppose Amendment One.

The question of whether we, as an association, should take a position on this issue was the subject of a thorough and thoughtful discussion, in the finest tradition of our organization. As you might expect, the points of view that were expressed reflected a range of opinions. In fact, I can assure you that the subject was explored exhaustively and prismatically. I was proud of the civility, passion and candor that marked our conversation.

In the end, the Board voted by a 30-4 margin to adopt the resolution. Although I cannot speak for all of the proponents, I believe that the principal bases for approval were these:

1. As lawyers, we must protect the North Carolina Constitution both from unnecessary limitations and from restrictions designed to abridge people's rights.
2. Amendments to our State's Constitution should be made only under the most compelling circumstances, which are not present here.
3. The language of the amendment is sufficiently ambiguous so as to potentially introduce unintended restrictions on contractual and property rights.
4. The amendment is unnecessary because Chapter 51 of our General Statutes already *expressly* prohibits the recognition of same-sex marriage.

The Board recognized that some NCAJ members may disfavor our organization taking a stand on Amendment One. However, given the function of the Board, the overwhelming vote and the compelling rationales expressed above, we hope that members will respect the decision. As with many issues our Board has addressed and resolved over the years, there is always room for us to agree to disagree. Most importantly, let us continue together to advance our overarching mission - - protecting people's rights.

Sincerely,
Gary Jackson
NCAJ President