

SENATE JUDICIARY HEARING

Minutes - SB 81
February 18, 1969

The hearing was called to order by Chairman Monroe at 10:15 a. m. in the Senate Chambers on February 18, 1969.

Committee members present: Chairman Monroe
Senator Dodge
Senator Young
Senator Hug
Senator Bunker
Senator Christensen
Senator Swobe

Chairman Monroe introduced Senator Dodge.

SENATOR DODGE: Mr. Chairman, I'm not conducting an organized campaign on this legislation, but will give the committee and the people assembled here a little background of this proposal.

Senator Monroe, the chairman of this committee, two years ago submitted a similar proposal as a Senate bill. It was discussed in the same committee, the Senate Judiciary Committee and several people who are here today were present at these discussions. Senator Monroe's objection at that time was to try to get the Justice of the Peace out of the marriage business, particularly in the communities where there was a big marriage business and where, by the same token there was a lot of court business that the justices would have to do.

Now, between the last session and now this matter of the justice courts came under review and the committee felt that the legislature in some way needed to resolve this problem of the - I'm not going to say conflict of interest in the work of the Justice of the Peace - but at least correct the situation where he was taking proper care of the court work, so this bill providing for the civil marriage contract was one of the many suggested pieces of legislation in connection with that court study. I really don't think the committee has any closed idea as to the mechanics of how to accomplish this. This action, of course, would do it - to enter into a civil marriage contract as it is done in France. After signing the marriage contract and you want a religious ceremony, you can have a religious ceremony. If you want to go to a wedding chapel, you can go to a wedding chapel.

I want to make it clear that the committee had no idea in mind of impairing the institution of marriage. I know that I have read objections to this procedure because some say it is violating the sanctity of marriage. The committee has no qualms of doing that in any way, but what I am saying to you is this, that after the facts, it is the consensus of the committee, especially after this hearing today, that some ministerial service of the government should be established to perform the civil marriage ceremony in place of the

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Justice of the Peace, there is no apparent reason why this should not be accomplished.

The Justice of the Peace should bear in mind that he is not a religious performer of marriages, but a lay person authorized by the State of Nevada to perform marriages and the State of Nevada can just as easily authorize some other lay person to perform marriages as far as the civil ceremony is concerned. This would draw that authority from the Justice of the Peace and so I want to reiterate that the primary reason for this proposal was to solve the problems that have been frowning and that we have talked about in at least the last three sessions of the Legislature as to how to get the Justices of the Peace back into the Court business.

Mr. Chairman, I am not stating that I proposit or that I have organized support for this bill. I am sure there are people here who would like to be heard on the various aspects of this proposal and I suggest that those who would like to be heard should rise and state his comments. If there are any questions on the background of this bill I would be happy to discuss them with anyone interested.

CHAIRMAN MONROE: Are there any proponents that would like to be heard at this time?

FATHER PUMPHREY: I wish first to identify myself and to say who I am speaking for. My name is Father Pumphrey and I represent the St. Peter's Episcopal Church of Carson City. I am speaking on behalf of Father Thomas J. Connolly of the St. Theresa's Roman Catholic Church, Rev. Harold Van Zee of the First Presbyterian Church, Rev. John Emerson of the First Methodist Church, Rev. Al Engelman of the First Baptist Church, Rev. Daniel Bloomquist of St. Paul's Lutheran Church.

Approximately two years ago, 29 to 1, the Episcopal Clergymen of this diocese voted in favor of the intent of this bill. We believe that marriage is a civil contract among many other things. As a civil contract the State has jurisdiction. First, I would like to remark on one possible objection Senator Dodge has brought up and that is the sanctity of marriage and the feelings attached to them. I believe I could best say that it is one of the duties of the State to set rules and regulations regarding health, cemeteries, wills, death certificates and matters of this nature. It is not the business of the legislature to advise people who are bereaved or in grief to tell them how to handle the burials. There are many who believe marriage should be performed in a church but it is not the business of the State nor should we have the power to tell the non-believers or people who have different views, how to be married. Pastors should not be licensed agents of the state. They are not in the marrying business, nor do

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they desire to be. Regarding the licensed ceremony, we again think the State should have the right to set up the marriage contract and if one wants a religious ceremony they will still have the freedom to request the religious solemnization of their marriage before any Minister, Priest, or Rabbi.

We have come to the conclusion that it is for the best interests of Christian marriage and family life that there be a sharp distinction between the legal and civil marriage and the religious and spiritual aspects of marriage.

I have copies of a statement signed by the various pastors I have spoken for and would like to give it to you for the record.

Thank you.

CHAIRMAN MONROE: Thank you, Reverend Pumphrey. Which proponent would like to be heard next?

REV. RICHARD ENGESETH: Mr. Chairman, I am Rev. Richard Engeseth, Chaplain for the Washoe Medical Center. I have been in the Reno area for many years so feel that I can speak on this. I am also representing several from the Las Vegas area who had planned on being here today, however Air West was not able to make the flight this morning due to the weather so they asked me to speak for them, in favor of SB 81.

I would like to give the members of the committee a copy of a statement from the Washoe County Ministerial Association to which is attached a statement by the Carson City Ministerial Association, which we have endorsed.

I have discussed this with many and we all have definite feelings on the anti-marrying laws and certainly feel that we should get out of the marrying business. I have prepared a testimony for presentation at this hearing.

(Copy of Testimony prepared for this hearing and read by Rev. Engeseth is attached.)

CHAIRMAN MONROE: I have letters on file from Las Vegas people stating they are in favor of SB 81.

Who has something to say at this time?

REV. AL ENGELMAN: I am Rev. Al Engelman, Pastor of the First Baptist Church in Carson City. I just want to say that there are 46 Baptist pastors in the State of Nevada who are in favor of SB. 81.

CHAIRMAN MONROE: Are there any other proponents to speak on this? If not, may we hear from the opponents.

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GEORGE FLINT: (Vice-President of the Nevada State Wedding Chapel Association).

I have been in the State of Nevada for seven years and have spent most of that time defending it but it seems that these men spend most of their time objecting. I am a little angry down inside and most people know me well enough to know that I contain that frustration most of the time quite well but I am tired of being on the defensive and as of this moment I am going to be on the offensive.

We have in the State of Nevada one of the greatest industries that no other state in the United States enjoys today. I would like to remind you gentlemen that the tourism dollar spent in the State of Nevada three years ago was about \$600,000,000.00. This year it will probably reach somewhere in the neighborhood of one billion dollars. I am here to tell you gentlemen that 10%, yes, one dime out of every dollar that comes into the State of Nevada by the out of state spenders is brought in because of our existing marriage laws. To quote Len Harris, who said to me the other day, that he thinks things should be left the way they are, let well enough alone. I have about five thousand things to say against this piece of legislation but I haven't time. You all might walk out on me, but let me say this. I say that this is a very, very, very important part of our economy and things should be left status quo - just the way they are.

\$600,000,000.00 a year to the State of Nevada brought into the State by out of state spenders - 10% of that would be as a direct result of this. It is very very interesting that the State of Mississippi, the State of Arizona and the State of New Mexico, and yes, the State of Idaho all had, 10 years ago a very lucrative industry that brought millions of dollars a year into their State because they offered a marriage package such as we have here today in the State of Nevada. Each one of these States eventually were badgered by the clergy of their state to change the laws. Today these states have absolutely no marriage industry left. It cost the States this amount of money, Idaho for example is only about 10 million a year, now that has gone out. In Mississippi it was close to 20 million a year, but that too has gone out. We have approximately a 60 million dollar industry a year going now and I say we can't afford to turn around and flirt around with it and play ping-pong with it, as I was quoted in the paper saying about it. We can't afford this late in the game to throw it away because we haven't proven that the State can get along unless things are left the way they are.

There is legislation coming from the Assembly, AB 273, that will leave things as they are now and still set up a separate government authority to handle the civil weddings. Gentlemen, I notice that there are few women here, so we are in the majority, I haven't found a woman yet that says she thinks this is a good bill. We can talk about

the sanctity of marriage, we can talk about the romance and all those things, but we have a great thing here. These men say, God bless them, that they are willing to take less weddings but are they willing to help make up the 60 million dollars they are talking about throwing away? Now the next question comes up - Is it going to cost us 60 million dollars? Mr. Smith of Henderson and I have discussed this matter. He says these people will still come here to be married. 95,000 couples are going to be married in the State of Nevada this year and are going to bring in over one half million guests and these one half million guests are going to stay in our hotels and motels, buy gas in our service stations, eat in our restaurants. That is one half million people or one person out of twenty according to the figures. These one half million tourists spent about 40 million of the 60 million dollars we are talking about that comes into the State because the marriage laws are the way they are now. Can you just see this? To me it would be the wildest site in the world. Here is a couple over here signing their name on this desk to become husband and wife and over here are forty guests standing around looking at them. Sure, they can have their religious ceremony at the Episcopal Church - probably back in Stockton, California and the guests will not be around after they leave.

I saw a wedding in Reno the other day performed in a Wedding Chapel and there were 51 guests. We made an estimated calculation that those 51 people spent somewhere close to \$10,000 while they were in the city of Reno. You always hear about the fun train, Ski Reno, and all this but do you know that the marriage industry in the State, pardon me, in the city of Reno, brought in last week, and you know it was a bad week, not anything to write home about, the marriage industry brought 4,000 people into Reno last week. Are those 4,000 people going to continue to come to see their friends sign their names on a piece of paper. They certainly are not.

I don't have to convince you gentlemen of the financial importance of this industry. We have been talking about that for years. You have seen me talk about it on TV, heard me defend it on the radio and you have seen articles in the newspapers and we have talked about it individually, but the thing that really hurts me today is right here. I'm going to pass a copy out to the members of the committee.

These gentlemen that say they represent the Nevada Churches, they tell me, they tell all of you standing here that they are in favor of this bill. Now really and truly, in my own mind I know they are not in favor of this bill because I know what they think religiously and I know how their minds work. I got some statements yesterday and I followed thru on them. I got on the telephone and contacted them all yesterday. Let me read this briefly. (Read the

The following National leaders of several religious organizations were contacted by telephone Monday, February 17 by George Flint personally. Senate Bill #81 was explained to them in detail. Their thoughts and reactions have been outlined for the study of all interested.

Members of this committee, I am sure you have heard of Bishop Donald H. Tippett of the Methodist Church in Berkeley, California. Bishop Tippett retired as of July, 1968. At the time of his retirement he was National President of the Bishops of the United Methodist Church. Bishop Tippett knows Nevada well as he also was the California-Nevada Bishop for 20 years. Bishop Tippett's comment, and I quote, " I know Mr. Don Winne very well and am at a complete loss as to why he would endorse such proposed legislation. In fact I even wrote him about it when I read that he was behind this bill. This type of thinking is not in line with the way the Methodist Church would look at anything to do with marriage. This would make marriage just too easy. Let's do what we can to make marriage more sacred--not less."

The Bishop asked me - that was the end of the quote - the Bishop asked me what alternative there was to SB 81. I explained AB 273 and the Bishop seemed most impressed.

Now, Dr. George Harkin, National Secretary Lutheran Churches in America. Dr. Harkin is the top administrative officer of the Lutheran Church in America and his office is at 231 Madison Avenue, New York City. I spoke to him at 11:00 o'clock yesterday morning. He said, " The sign-only marriage proposal certainly would do nothing to further the family relationship and the reverence of the most important human relationship. Probably 95% of all couples entering this contract would not bother to have any separate religious or civil wedding. It would be satisfactory only for the complete non-Christian or non-religious person. In fact, the more I think about it the less it appeals to me.

Mr. Joseph Anderson, some of you gentlemen will recognize that name, is Secretary to the First Presidency, The Church of Jesus Christ of Latter Day Saints, Salt Lake City, Utah. Mr. Anderson said that on the spur of the moment he would not speak for the church but that the following represents his personal views in relationship to the teachings of the Church: "I would personally frown on this approach to marriage. Even though we encourage our members to be married in the Temple we consider any marriage to be sacred. I feel that this would be doing away with the sanctity of marriage. It would make the entering into marriage just too loose. I would certainly frown on this." Mr. Anderson finished by saying he would much prefer leaving things just the way they are now. That is a leader these church people say they are representing.

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Rev. Tom Zimmerman, General Superintendent of the Assemblies of God Churches. Rev. Zimmerman is the Chief Executive of the more than 8500 Assembly of God Churches in the United States and around the world. His office is at the National Headquarters of the Church in Springfield, Missouri. His comment was this " The very thought of a sign-only marriage really sets me back. It is almost impossible to imagine such a consideration. It would take marriage completely out of our religious culture. I would use any ounces of energy I have to make marriage a more respected institution. How could the simple stroke of a pen do anything except break down the true attitude one should have when entering marriage. This reduces the entire thing to nothing more than a contract like buying an auto or a piece of property. I would be totally opposed as should all our members in Nevada.

You can see why I'm a little upset, of course I am. Rev. Zimmerman said that he naturally did not like to see marriage reduced to strictly commercial values either. He saw nothing wrong, however, with any minister taking fees for the performance of the marriage ceremony.

These were his comments, and this is one of the more conservative churches.

Dr. James L. Sullivan, and Rev. Englemen will appreciate this, is Executive Secretary, National Sunday School Board, Southern Baptist Convention, Nashville, Tennessee. Dr. Sullivan is the national director for all church publishing for the Southern Baptist Churches. This is the largest church body in America with 34,147 churches and a membership of over 11,000,000 in the United States.

Dr. Sullivan's comments: "The very idea of a sign-only approach to marriage hits me with a wallop. We think of marriage as a Divine order even though we naturally recognize the civil authority and approach to it. Signing your name only in order to become husband and wife would weaken family life. Without the need for a ceremony of any kind the impression that is needed to begin the responsibilities of marriage would be lacking. It would be like expecting an automobile to be complete without an engine. One of the great opportunities that a minister has is to perform a religious ceremony for a non church going couple. This would be a complete down-grading to marriage. I would be vigorously opposed."

Now Gentlemen, I am very proud of this last quote. You will all recognize the name Archbishop Robert Dwyer, Archbishop of the Archdiocese of Portland, Oregon. Archbishop Dwyer was for many years Bishop of the Reno Diocese and is probably as knowledgeable as anyone within the Roman Catholic faith concerning Nevada and its marriage laws and customs.

Archbishop Dwyer's comments, and I am quoting, "I see many things wrong with this proposed piece of legislation. Not so much for the

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Catholic as for the Protestant or non-catholic. The Catholic knows his responsibility to be married in the Church. However I can imagine that this would discourage the Protestant from going to the effort of a religious ceremony. Couples regardless of religious faith need to begin this step with a ceremony -- civil, Wedding Chapel, or Church" and those are his words, gentlemen "civil, Wedding Chapel, or Church. I do not like this proposed legislation."

Because Archbishop Dwyer lived in Reno for many years he is aware of the problems arising within the Justice Court and its role in performing Civil Weddings. We asked him what he would say concerning AB 273, the other bill and the establishing of a Wedding Commissioner to work on a salary basis with the funds from this office going directly into the County General Fund rather than into the income of the Justice of the Peace. He said that approach seemed like a good one and he would be much more inclined to endorse that over anykind of a sign-only approach.

In conclusion, gentlemen, let me say this, Rev. Engelman said he represented 46 Baptist ministers in the State, which may be the case, but I am sure there is a list of licensed ministers in John Koontz's office.

Let me say this in conclusion on this matter. The comments of the religious leaders present here represent the following churches: Lutheran, Church of Jesus Christ Latter Day Saints, Methodist, Baptist, Presbyterian and Roman Catholic. In Nevada there are approximately 301 ministers licensed to perform marriages that belong to these churches. This represents 75% of the 465 men licensed to perform marriages in the State of Nevada. Gentlemen, I believe that the only people that are really/for this bill are a few clergy who really aren't closely associated enough with the entire financial and emotional impact and aspect of this whole thing to really be in much of a position to be for or against it. They don't really know what it means to the State of Nevada. Most of their intentions are based on what they feel inside but interestingly enough it isn't in line with what their church superiors apparently feel about this legislation. The men that are the real superiors of the churches think it is not really a good piece of legislation.

Senator Swobe has said to me a couple of times that there are many things wrong within the marriage business. Sure, I know there are. I know three or four marrying Sams in the State of Nevada that probably shouldn't be marrying. I know of a couple of Wedding Chapels that gouge in the State of Nevada. The Riverside Hotel is now closed up because they were caught cheating in gambling but you fellows didn't close down all of the gambling. Of course you didn't because it is the most important industry in the State of Nevada. Well, this is an important industry too. This will bring into the State additional funds and raise the County General Fund. It will still

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leave an established minister in the position he can perform marriages if he wants to. A few of them make their living that way, its true and finally I keep hearing such things as they do it this way in France, or they do it this way in Egypt. Who cares how they do it in France? There are 50 states in the United States and not one other state has found this to be a practical approach. There are one or two that have tried it and they no longer have it. I think it is time that we not be critical of our present bill. I think it is time we do not get critical of this of us that are in the industry. We are not just the Wedding Chapels but the florists, jewelers, photographers, yes, even the motel and hotel operators and also the casino operators, too. I think it is time we took a real long, long look at the fact that this industry which costs nothing to promote, gentlemen, you do not spend 10¢ from the state funds a year to promote this 60 million dollar business. It is the only industry that you can think of that you don't have to spend a nickle to promote. All of us in this room gets some good from it.

I think it is time the Ministers that don't like the existing law just say they won't be a part of it, but I don't think they should any more try to change things just because they don't happen to believe it isn't correct or proper way to do things until they can show us there is something wrong with the way things are done now. As I said before, there are probably some Wedding Chapels that gauge in the State of Nevada and some motels too, and some of the Marrying Sams that probably cheat.

One of the gentlemen I spoke to yesterday, it was Bishop Tippet, said "I would rather a complete phoney Marrying Sam were to marry one of my followers than to just have them sign their name.

Thank you.

CHAIRMAN MONROE: Are there other opponents that wish to be heard at this time. We only have a few minutes left and I will ask you to be brief, please.

MINNIE ORCUTT: Mr. Monroe, I will make my comments very brief.

CHAIRMAN MONROE: Please give your name for the records.

MINNIE ORCUTT: I am Minnie Orcutt, Pastor of the Glory Temple Church, Minister of the Gospel and also owner of a Wedding Chapel.

I would like to say this, as Publicity Chairman of the Nevada Ministerial Association they asked me to speak in absence of the the president, Rev. W. (Speaker?), and say that the Nevada Ministerial Association is very much apposed to SB 81. As a minister of the Gospel I am to go on record to say we are opposed, period.

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As a Chapel owner, Mr. Flint has covered the economic viewpoint.

Thirdly, as a woman, from the romantic aspect I could write volumes but I would like to say that women would be generally opposed to this bill. I have never yet talked to any one of the women in a hospital where we go to make hospital calls as a minister, in the beauty shop where I have my hair done, I have never talked to anybody that has been in favor of this bill. Thank you, Mr. Chairman.

CHAIRMAN MONROE: Are there any further opponents to be heard? Are there any representatives of the County Clerks here?

GENE GOLD: I am Gene Gold, President of the Carson City Chamber of Commerce. I have here a resolution from the Carson City Chamber of Commerce I would like to read to you.

February 14, 1969
Senate Judiciary Committee
Room 56 Capitol Building
Carson City, Nevada

Dear Sirs:

On February 12, 1969, the Carson City Chamber of Commerce Board of Directors voted unanimously the following resolution:

"That whereas SB 81, the legislation on the marriage laws, seems to be discriminatory toward a certain segment of the business population, and inasmuch as the Chamber of Commerce is a business oriented organization, this chamber recommends the legislation NOT be passed."

This opinion was verified by Mr. Lou Margulies of the Reno Better Business Bureau as coinciding with their own opinion.

Sincerely,

CHAMBER OF COMMERCE

/s/ Gene Gold

Gene Gold, President.

CHAIRMAN MONROE: May we have a copy of the resolution for the records.

MR. GOLD: Yes, I have it here.

MR. MARGULIES: Mr. Chairman, I am Lou Margulies, President and General Manager of Better Business Bureau of Northern Nevada.

The right of free management to engage in better business is at stake. SB 81 will, without a doubt, cause an infringement on the rights to engage in business of those of the Wedding Chapel industry. The Better Business Bureau will stand for any industry in its continuing battle against government encroachment from anybody, and so it is we stand for today in an effort to insure the one-half thousand or so people in this industry the possibility of continued plans which would be cut short by the passage of SB 81.

I can report to you that the Wedding Chapel industry is very much concerned with the image they present of themselves as well as our cities in the State of Nevada. Evidence of their concern can be seen with the lessening number of complaints filed against this industry to the Bureau regarding price gauging and misrepresentation. These people are earnestly trying to improve their image. This is their responsibility and we should allow them to continue in this interest.

CHAIRMAN MONROE: Are there any other speakers?

JAMES BART: Mr. Chairman, I am James Bart, President of the Nevada State Motel Association. I hope you will accept a copy of a resolution of the Nevada State Motel Association. I won't take time to read it. It is dated January 27, 1969 and is against a change in the marriage laws at this time.

I have only one comment to make. There is a lot of theory being talked about here about the change, but it can be pinned down by fact. The fact is that out of 91,000 marriages that took place in the State of Nevada last year 45,000 of these took place in a wedding chapel. There is no one out there with ropes or any inducement other than an attractive place of business and a ceremony to get it done in good taste, and many people prefer this.

The only fact is, and we are talking about facts now, it is proved from the County Recorder's office that the churches do less than 6% of all weddings in the State and they do that of their own free will. Most prefer wedding chapels over a disorganized ceremony in a church that is not prepared to handle it at the time you come and many won't handle it. Many people come to town and ask the local minister of their own church to take care of them but they are a little busy playing golf on Saturday. That is what the Wedding Chapel is there for, to take care of people who come here with one purpose in mind, a ceremony that has a little reverence and they come here in groves, why thousands came here for one purpose only and that was to avail themselves for the marriage law as it exists right now. Thank you, Mr. Chairman.

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CHAIRMAN MONROE: Are there any questions? If not, we appreciate all of you coming here to testify and we will now culminate this hearing so we can go into session.

Thank you all very much.

Respectfully submitted,

Jeanne M. Smith, Secretary

Approved: _____

TESTIMONY FOR THE SENATE JUDICIARY COMMITTEE
OF THE STATE OF NEVADA

For an appearance on February 18, 1969

Gentlemen of the Committee:

You have, before you, copies of letters prepared by the Carson City Ministerial Association, the Washoe County Ministerial Association, and other documents. I will not try to indulge in a recapitulation of all of their arguments. They speak for themselves, and speak quite eloquently, I believe, for the support Senate Bill #81 has among the bulk of the clergy of the State of Nevada.

I would like to address myself to, what seems to me, two very important principles which are guidelines for thinking and action on this bill. The first principle is the moral and ethical right of a community to be engaged in "marriage business" to the extent that we, the State of Nevada, are engaged in it. According to the Department of Public Health statistics for 1967, published in the San Francisco Chronicle in June of 1968, the State of Nevada had 94.7 marriages per 1,000 population, while the nearest state to us, Idaho, had 9.7 marriages per 1,000 of population. I know of no other state that is engaged, or even in the same league, with Nevada in this business. It is, I am told, a \$60 million dollar a year industry and I have no reason to challenge the figures. It would, however, seem to me that either here, or in the ensuing years between this legislature and the next one, that we seriously consider all of the laws and the position of the State of Nevada in regard to the institution of family. I say this, because I understand that this current bill came out of a study of the judicial system of the State of Nevada done by committee between meetings of the legislature. I would like to see a resolution, or whatever it takes legally, to have competent persons examine the whole range of laws in the State of Nevada, as they relate to the family. Provisions of divorce, marriage, welfare, etc., are being undertaken by our sister state of California and others across the United States, and nowhere does it seem to be more necessary than here in Nevada where we claim a "moral and ethical, if not a legal right, to a "marriage business" and a "divorce business" on one hand, and deny the responsibilities of that right on the other hand by setting extreme limitations of residency before giving any aid to families in distress.

The church's interest in this goes a long way. We are interested in life, from the time of its gift by God in conception, through Sunday school, youth group, young married life, parenthood, business, retirement and finally, of course, death. The ceremony is but the smallest part of this. We are interested in the totality of human life and as God makes his claim upon us for these periods of our life.

The second principle involved is the principle of separation of church and state. It would be the contention of many of the clergy of the State of Nevada, that the present law licensing clergy or ministers is unconstitutional and that, under any serious challenge, the law would have to fall. It is not the business of the state, federal or county, to say who^{is} or who is not a minister.

There has been discussion among the clergy as to testing the law in court. There has been discussion about the possibility of simply disobeying the law and forgetting that it exists. We have restrained ourselves from so doing and no such action at the moment is contemplated, in the hope that this legislature will make any such action unnecessary.

TESTIMONY FOR THE SENATE JUDICIARY COMMITTEE
OF THE STATE OF NEVADA.

In the 9th Century, following the breakdown of civil order, Charlemagne, Holy Roman Emperor, began to use the priests of the church as civil officials for purposes of recording births, deaths, marriages, because these people could read and write. In most countries of modern Europe, this practice has been abolished and the state keeps its records, the church keeps its records. The necessity for the kind of thing that Charlemagne had to do - press the clergy into service as servants of the state - no longer exists.

In frontier America, the expansion of our nation westward, often made it impossible, if not extremely difficult, for individuals to get to the county court house to record births, marriages, etc. and so, as a convenience to the people, religious records were accepted and still are in some cases, as proof of birth, marriage, legal records for death. But, we are no longer in a frontier America and the necessity which prompted such an act of kindness to the people isolated, is no longer called for. People drive hundreds of miles to get a wedding license and do it all in one day. So, what was originally started as an act of convenience to the people, now exists as a coercion that all shall have some form of ceremony, whether they like it or not, and many do not, many religious and many frankly atheists who have an equal right to their opinion and their views.

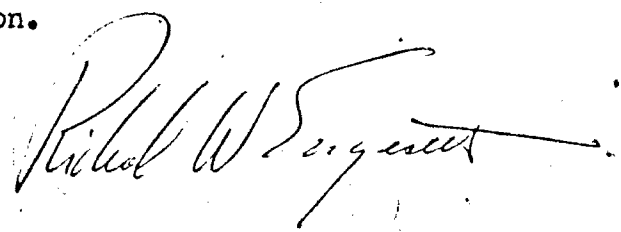
The fact of having to have a quasi religious ceremony, often prompts those who later must get a divorce, to think the divorce as undoing the whole of the marriage. I would rather see a simple contractual signing, verbal affirmation of the civil contract, so that when and if the couple is forced into the necessity of going into court, they realize that this is the part of marriage that is being dissolved now. That the religious end of this, both the blessing of the marriage and the dissolution of the marriage from a religious standpoint, must be handled through the church, not through the state.

I could go on at some length. I am not going to. I submit this to you as perhaps the high points and the principles as I see them and as they are seen by a significant proportion of the clergy.

In closing, I would once again urge you, if it is possible, for this legislature to appoint an interim committee to study the entire area of family laws, marriage, divorce, aid, etc. It is long since time that this is done to bring ourselves into a position where we are ready to face the challenges that are going to come our way in the next ten years. We need to make laws on the basis of intelligent facts and studies and I would urge, if possible, such a fact finding committee be established.

I thank you for your time and attention.

RE:hb



This statement is submitted by the subscribing clergy of the Washoe Ministerial Association for consideration by the Nevada Legislature, the general public, and especially by the members of our respective churches. In so doing, we, the undersigned clergy, wish to make our position unmistakably clear to all concerned with regard to Senate Bill No. 81 which seeks to amend the Nevada Law by substituting written contract for civil ceremony.

Since this proposed legislation relates to the very heart and basis of human life and society, namely, marriage and the family, and would most certainly have far reaching consequences for the social and moral fabric of our State, we feel constrained to issue this statement. We do so out of deep pastoral concern for the lives of people and with a strong sense of responsibility for our community, state and our God.

The clergy of your churches earnestly want to help improve Nevada together with other serious and conscientious citizens. Anything which would help preserve the sanctity of marriage among us, begs for our support and yours. And we covet the trust of all, especially devoted Christians and Jews, that we support only that legislation which, as a matter of conscience and principle, we believe will accomplish this end.

With, perhaps, the additional provision of a simple but dignified verbal affirmation of the written contract before the court clerk, this proposed legislation, SB 81, has our endorsement for the following reasons:

1. This legislation, if passed, would clarify and reinforce the distinction between marriage as a purely legal contract, on the one hand, valid under the laws of the state when properly attested by a state official, and, on the other hand, marriage as "holy matrimony," in which the vows of life-long union in love and faithfulness are properly solemnized by a Minister of the Gospel or Rabbi, with prayer for God's blessing.

It is a fact that the public, in a time of religious pluralism and lack of religious knowledge, does not fully appreciate this distinction, and commonly confuses legal validity with religious, sometimes pseudo-religious solemnization. The laws of Nevada and other states tend to perpetuate this confusion. While the Christian and Judaic traditions require that marriages religiously solemnized must be in accordance with the laws of the state, the state must not require such religious solemnization or civil ceremony for legal validity.

2. This legislation, if passed, would preserve the right of persons who do not subscribe to the disciplines and doctrines of any church, to consummate a legal civil marriage without being compelled by law to insincerely participate in a civil, religious, or pseudo-religious ceremony. Persons should be compelled only by conscience and convictions to take upon themselves the vows of holy matrimony.
3. Contrary to misrepresentations of this legislation's intent, SB 81, if passed, would also preserve the constitutional right of all persons to practice their religion in accordance with their own conscience and convictions.

STATEMENT ON SB 81

This proposed legislation specifically provides, under Sec. 6, that any man and woman who so choose, may have their marriage solemnized before a Minister of religion, provided they present to him a properly attested marriage contract.

- 4. Finally, if passed, this legislation would assist the legislature in accomplishing badly needed judiciary reform, in at least two ways:
 - a. Judges and Justicos of the Peace would be liberated from the time-consuming duty of "performing" marriage ceremonies, allowing them to devote their full time and energies to administering justice on behalf of the people of Nevada for which they are paid from public funds.
 - b. Ministers would no longer be required, as they are under existing law, to act as an official of the state in attesting the legality of marriages solemnized before them. This practice has been seriously challenged by some as to its constitutionality.

Having endorsed this proposed legislation for the reasons stated above, we urge the adoption of Senate Bill No. 81, with the provision of some form of verbal affirmation at no extra cost to those being married.

We also wish to endorse the letter of February 12, 1969, signed by The Rev. Messrs. Harold VanZee, Frank Howard, Daniel Bloomquist, John Emerson, Thomas Connolly, Robert Pumphrey and Alfred Engelman.

RESPECTFULLY SUBMITTED,

by the following clergy:

- FR James Carroll - Training Ep. Rev Faye Miller Good Shepherd
- Rev W^M Clawson - St John's Presb. Rev John Dodson C.P.A.
- Rev James Olson - Faith Lutheran Rev Richard Sjogren UMC

Carson City, Nevada
February 12, 1969

Beloved in Christ,

This letter comes to you from the shared concern of the undersigned pastors of The Households of Faith in Carson City.

We are naturally concerned with the health and wholeness of family life. How couples enter into this is of primary importance. There is before the Legislature SB81 which is popularly known as the Marriage Contract Bill.

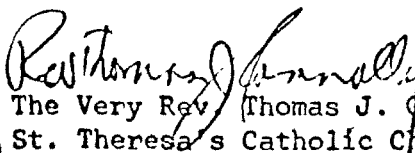
SB81 provides that couples will be legally married in a civil contract by giving their assent to a simple contract form, and, if recommended amendments are accepted, a verbal affirmation in the presence of an authorized and salaried person in the County Clerk's office. (One beneficial aspect of this is that Justices of the Peace will be free to perform their functions as judicial rather than matrimonial officers.) Couples will still have the freedom to request the religious solemnization of their marriage before any Minister, Priest, or Rabbi. It may well be that, if this bill becomes law, pastors will marry far fewer couples than they are now (which is not over 5% of the total number who obtain licenses.)

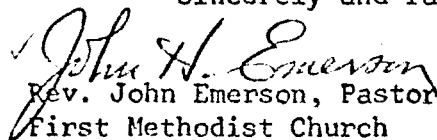
But your pastors are not in the "Marrying business", nor do they desire to be. It is our commitment to minister to people with a pastoral and spiritual ministry that includes, at the least, pre-marital counselling and a genuine concern to set forth the Biblical and covenantal aspects of Christian marriage.

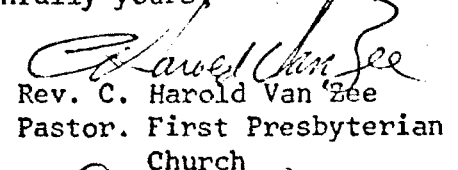
After much discussion and prayerful deliberations, your pastors have come to the inescapable conclusion that it is for the best interests of Christian marriage and family life that a sharp distinction be drawn between the legal and civil on the one hand and the religious and spiritual aspects of a marriage on the other which SB81 will do. (If the bill becomes law, pastors will not be acting as licensed agents of the state, as they now are.)

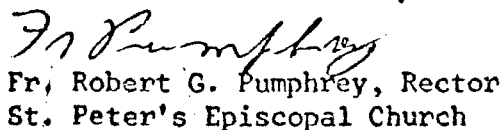
Pastors will always be happy to assist couples as they seek to enter into a meaningful relationship with each other and God. By all and every means we want to help couples enter into married life with a sense of its sacredness and permanency: into a genuine commitment with Him whose "blessings maketh rich and who addeth no sorrow to it."

Sincerely and faithfully yours,

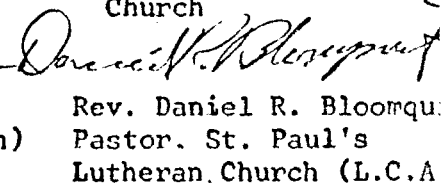

The Very Rev. Thomas J. Connolly
St. Theresa's Catholic Church

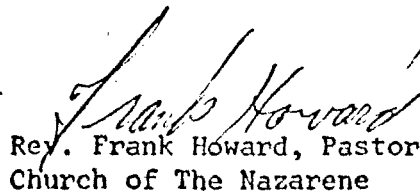

Rev. John Emerson, Pastor
First Methodist Church


Rev. C. Harold Van Zee
Pastor, First Presbyterian
Church


Fr. Robert G. Pumphrey, Rector
St. Peter's Episcopal Church


Rev. Alfred Engelman, Pastor
First Baptist Church (Southern)


Rev. Daniel R. Bloomquist
Pastor, St. Paul's
Lutheran Church (L.C.A.)


Rev. Frank Howard, Pastor
Church of The Nazarene

THE FOLLOWING NATIONAL LEADERS OF SEVERAL RELIGIOUS ORGANIZATIONS WERE CONTACTED BY TELEPHONE MONDAY, FEBRUARY 17 BY GEORGE FLINT PERSONALLY. SENATE BILL #81 WAS EXPLAINED TO THEM IN DETAIL. THEIR THOUGHTS AND RE-ACTIONS HAVE BEEN OUTLINED FOR THE STUDY OF ALL INTERESTED.

Bishop Donald H. Tippett, THE METHODIST CHURCH--Berkeley, California.
Bishop Tippett retired as of July, 1968. At the time of his retirement he was National President of the Bishops of the United Methodist Church. Bishop Tippett knows Nevada well as he also was the California-Nevada Bishop for 20 years.

Bishop Tippett's comment: "I know Mr. Don Winne well and am at a loss as to why he would endorse such proposed legislation. In fact I even wrote him about it when I read that he was behind this bill. This type of thinking is not in line with the way the Methodist Church would look at anything to do with marriage. This would make marriage just too easy. Let's do what we can to make marriage more sacred--not less."

The Bishop asked me what alternative there was to SB81. We explained the proposal that is being sponsored by Close, McKissick, Foote, Mello, Bowler, and Lowman--A.B. 273. The Bishop seemed most impressed with the approach presented in this bill.

Dr. George Harkin, National Secretary, THE LUTHERAN CHURCH IN AMERICA.
Dr. Harkin is the top administrative officer of the Lutheran Church in America and his office is at 231 Madison Ave., New York City.

Dr. Harkin's comments: "The sign-only marriage proposal certainly would do nothing to further the family relationship and the reverence of the most important human relationship. Probably 95% of all couples entering this contract would not bother to have any separate religious or civil wedding. It would be satisfactory only for the complete non-Christian or non-religious person. In fact, the more I think about it the less it appeals to me."

Mr. Joseph Anderson, Secretary to the First Presidency, THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, Salt Lake City, Utah.

Mr. Anderson said that on the spur of the moment he would not speak for the Church but that the following represents his personal views in relationship to the teachings of the Church: "I would personally frown on this approach to marriage. Even though we encourage our members to be married in the Temple we consider any marriage to be sacred. I feel that this would be doing away with the sanctity of marriage. It would make the entering into marriage just too loose. I would certainly frown on this."

Mr. Anderson finished by saying he would much prefer leaving things just the way they are now.

The Rev. Tom Zimmerman, General Supt., The Assemblies of God Churches.

Rev. Zimmerman is the Chief Executive of the more than 8500 Assembly of God Churches in the United States and around the world. His office is at the National Headquarters of the Church in Springfield, Missouri.

Rev. Zimmerman's Comment: "The very thought of a sign-only marriage really sets me back. It is almost impossible to imagine such a consideration. It would take marriage completely out of our religious culture. I would use any ounces of energy I have to make marriage a more respected institution. How could the simple stroke of a pen do anything except break down the true attitude one should have when entering marriage. This reduces the entire thing to nothing more than a contract like buying on auto or a piece of property. I would be totally opposed as should all our members in Nevada."

Rev. Zimmerman said that he naturally did not like to see marriage reduced to strictly commercial values either. He saw nothing wrong, however, with any minister taking fees for the performance of the marriage ceremony.

Dr. James L. Sullivan, Executive Secretary, National Sunday School Board, THE SOUTHERN BAPTIST CONVENTION, Nashville, Tennessee.

Dr. Sullivan is the national director for all church publishing for the Southern Baptist Churches. This is the largest church body in America with 34,147 churches and a membership of over 11,000,000.

Dr. Sullivan's Comments: "The very idea of a sign-only approach to marriage hits me with a wallop. We think of marriage as a Devine order even though we naturally recognize the civil authority and approach to it. Signing your name only in order to become husband and wife would weaken family life. Without the need for a ceremony of anykind the impression that is needed to begin the responsibilities of marriage would be lacking. It would be like expecting an automobile to be complete without an engine. One of the great opportunities that a minister has is to perform a religious ceremony for a non church going couple. This would be a complete down=grading to marriage. I would be vigorously opposed."

ARCHBISHOP Robert Dwyer, Archbishop of the Archdiocese of Portland, Oregon. Archbishop Dwyer was for many years Bishop of the Reno Diocese and is probably as knowledgeable as anyone within the Roman Catholic faith concerning Nevada and it's marriage laws and customs.

Archbishop Dwyer's comment: "I see many things wrong with this proposed piece of legislation. Not so much for the Catholic as for the Protestant or non-catholic. The Catholic knows his responsibility to be married in the Church. However I can imagine that this would discourage the Protestant from going to the effort of a religious ceremony. Couples regardless of religious faith need to begin this step with a ceremony -- civil, Wedding Chapel, or Church. I do not like this proposed legislation."

Because Archbishop Dwyer lived in Reno for many years he is aware of the problems arising within the Justice Court and its role in performing Civil Weddings. We asked him what he would say concerning A.B. 273 and the establishing of a Wedding Commissioner to work on a salary basis with the funds from this office going directly into the County General Fund rather than into the income of the Justice of the Peace. He said that approach seemed like a good one and he would be much more inclined to endorse that over anykind of a sign-only approach.

The comments of the religious leaders that have been presented herein represent the following churches: Lutheran, Church of Jesus Christ of Latter-Day Saints, Methodist, Assemblies of God, Baptist, and Roman Catholic. In Nevada there are approximately 301 ministers that belong to these six churches. This represents 75% of the 406 ministers in Nevada licensed to perform marriages.

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Telephone 882-1565

Post Office Box 1136
Carson City, Nevada 89701CARSON
CITY
CHAMBER of
COMMERCE

February 14, 1969

Senate Judiciary Committee
Room 56 Capitol Building
Carson City, Nevada

Dear Sirs:

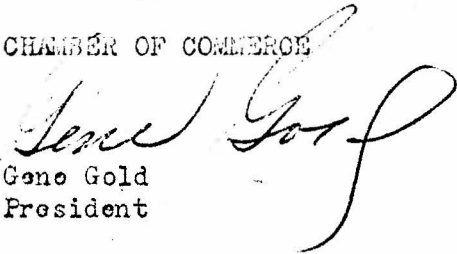
On February 12th, 1969, The Carson City Chamber of Commerce Board of Directors voted unanimously the following resolution:

"That whereas SB81, the legislation on the marriage laws, seems to be discriminatory toward a certain segment of the business population, and inasmuch as the Chamber of Commerce is a business oriented organization, this chamber recommends the legislation NOT be passed."

This opinion was verified by Mr. Lou Margulies of the Reno Better Business Bureau as coinciding with their own opinion.

Sincerely,

CHAMBER OF COMMERCE


Gene Gold
President

GG:ph

RESOLUTION OF THE NEVADA STATE MOTEL
ASSOCIATION RELATING TO PROPOSED
WEDDING CHAPEL LEGISLATION

WHEREAS, the Nevada State Motel Association is ever alert to any proposed governmental action which might unnecessarily have a detrimental effect on the state's tourism, and

WHEREAS, study and investigation of possible legislation relating to the conduct of the wedding ceremonies reveals the threat of a completely unwarranted discriminatory and hazardous intrusion into a very important private aspect of the tourist industry; and

WHEREAS, the Nevada Motel Association is of the informed opinion that any legislation which places such arbitrary restrictions and conditions upon freedom of entry into marriage contracts is inconsistent with Nevada's traditional way of life, is of no measurable social benefit and is likely to bring about unnecessary, improvident and severely damaging losses to our economy in amounts estimated by studied projections to range from \$40 to \$60 million per year;

NOW, THEREFORE, BE IT RESOLVED that the Nevada State Motel Association does hereby respectfully request that the Senate and Assembly of the Nevada Legislature, Fifty-fifth Session, forebear and avoid any legislation of any kind which might seriously harm the economy of the state without any counterbalancing social or moral advantage; and more specifically that present law be retained and passage be denied to all legislation which would interfere with the orderly performance of bona fied marriage ceremonies by legally requiring vexatious delay and unpleasant, embarrassing and unnecessary examination of marriage license applicants.

NEVADA STATE MOTEL ASSOCIATION

JAMES DANIEL BART
President

Attest: William L. Kline