



February 15, 2023

House Committee on the Judiciary
115 State Street
Montpelier, VT 05633-5301

Re: *H.148 - An act relating to raising the age of eligibility to marry*

Dear House Committee on the Judiciary:

I am the founder of MadFreedom, a human and civil rights advocacy organization whose mission is to secure political power and influence to end the discrimination and oppression of people based on their perceived mental state.

I write to express support for H.148, section 3, which would amend 18 VSA § 5142 to remove the marriage prohibition for those “mentally incapable of entering into marriage as defined in 15 V.S.A. §514.” 15 VSA §514, defines “mentally incapable” as “a severe psychiatric, cognitive, or other severe mental disability.”

In the United States, severe psychiatric disabilities include depression, bipolar disorder, and schizophrenia, all diagnoses I have received at one time or another.

18 VSA §5142 is likely unconstitutional because it seems to establish a threshold psychiatric disability as the sole determinant of one’s ability to marry.

Marriage is a fundamental right. In *Loving v. Virginia*, 388 U.S. 1, 12 (1967), the United State Supreme Court held that the Due Process Clause includes a constitutional right to marry because “freedom to marry has long been recognized as one of the vital personal rights essential to the pursuit of happiness by free men.”

In June 2015, the U.S. Supreme Court acknowledged the right of same-sex couples to marry. In writing the Court’s majority opinion, Justice Kennedy wrote: “No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family.... In forming a marital union, two people become something greater than they once were.” (*Obergefell v. Hodges*, 135 S. Ct. 2584 (2015))

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The right to marry should not be based on disability but rather on an individual's decisional capacity.

If the Committee elects not to raise the age to marry, MadFreedom nevertheless requests that the Committee move forward with the amendment to 18 VSA §5142, which will remove the marriage prohibition for those with "severe psychiatric, cognitive, or other severe mental disability."

The amendment strikes the right balance in ensuring that people have the decisional capacity to marry rather than restricting marriage based on a threshold disability.

Marriage prohibitions for people with disabilities perpetuate the oppression of and discrimination against those with disabilities, oppression and discrimination that MadFreedom is committed to ending.

Thank you for your consideration.

Very truly yours,



Wilda L. White