

Attack on marriage is real

By Charles H. Darrell

“Marriage will be challenged in Minnesota,” said Sen. Michele Bachmann at a Senate Judiciary Hearing held April 4 in St. Paul. Bachmann testified before a committee of nine state senators that later voted 5-4 to block the amendment along strict party lines. The committee heard nearly three hours of testimony from both sides of the marriage debate.

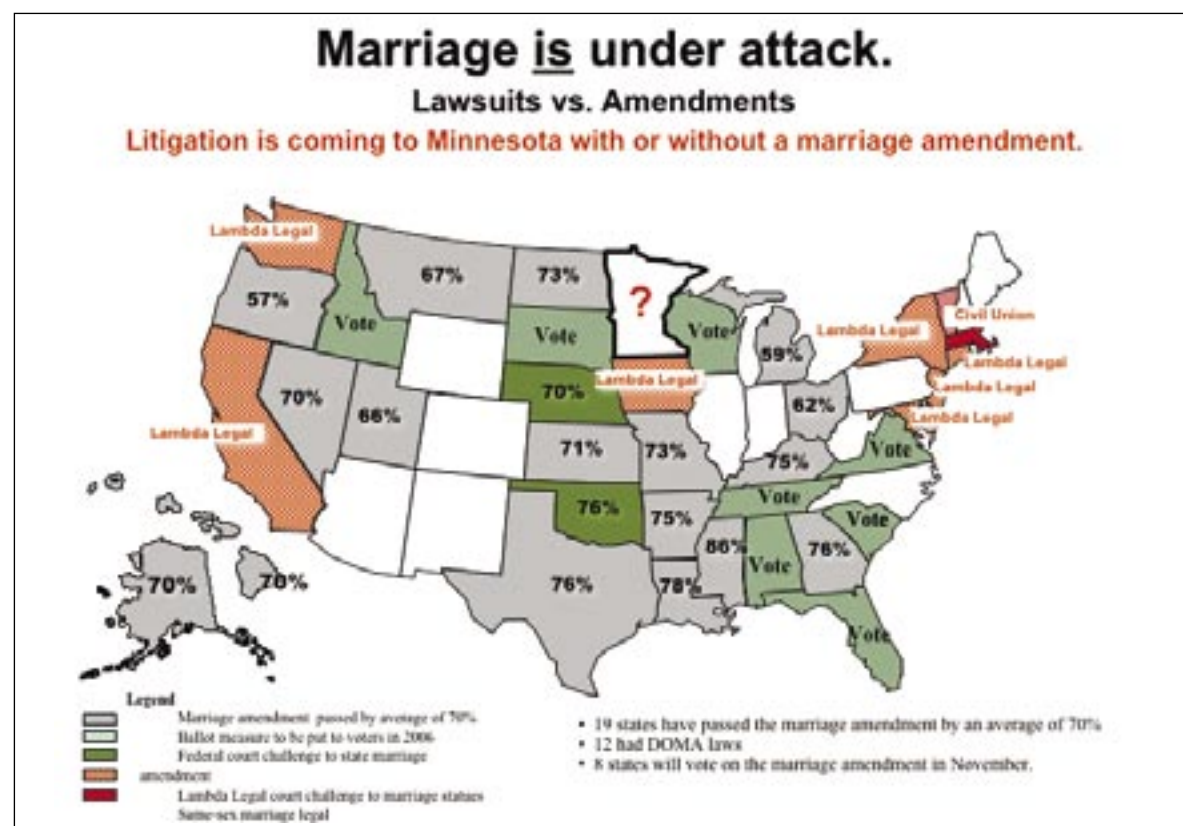
Working with Minnesota for Marriage, Bachmann provided a comprehensive argument for the passing of an amendment to the state Constitution to define marriage as between one man and one woman. To date, lawsuits challenging state marriage laws have been filed in over half the states in our country—the latest being in Iowa.

In addition to the legalization of same-sex marriage in Massachusetts, activist judges have overturned marriage laws in eight states. Civil unions or domestic partnerships are now legal in California, Connecticut, Washington D.C., Maine, New Jersey and Vermont.

In response to this activity 19 states passed amendments to their state constitution by an average margin of 71.5 percent. A total of 15 of these states already had DOMA laws and all define marriage as the union of one man and one woman. At least eight additional states will put the measures to voters in 2006, including South Dakota and Wisconsin.

National threat

According to a USA Today story, Lambda Legal of New York has filed lawsuits challeng-



ing marriage laws in seven states including California, Connecticut, Iowa, Maryland, New Jersey, New York and Washington. The overall strategy seeks to win state court rulings that could change public opinion and prompt the U.S. Supreme Court to guarantee a right to gay marriage.

Lambda Legal's tactic is to argue that a state constitution's equal protection and due process clauses make it unlawful for the state to bar same-sex couples from marrying. Lambda uses careful-ly selected plaintiffs and locales friendly to same-sex unions where amending the state constitution to counter any ruling for same-sex marriage would be difficult.

The article went on to report that in the last few months same-sex marriage advocates have launched

a new, ambitious 15-year plan to win what they describe as “marriage equality” across America.

According to an article titled “Marital Blitz” by E.J. Graff in the March 2006 issue of American Prospect magazine:

“All the major organizational players have agreed to a 15-year strategy. Funding is in place, and new tactics are being developed and tested in this year’s biggest clashes with anti-gay groups. As a result, says Rodger McFarlane, executive director of the LGBT-focused Gill Foundation, “for marriage, there is a strategy, movement coherence, and funding at scale.”

“As this article goes on to describe in greater detail,” said Chris Stovall of the Alliance Defense Fund Marriage Litigation

Reality check, litigation will come to Minnesota

“Let me start with a reality check,” continued Stovall, “marriage litigation is coming to Minnesota whether you let the people vote on this amendment or not. The only choice is whether Minnesota and those who stand for marriage will be in a position of offense or defense when that litigation comes.

“If you let the people have their say and go on offense, advocates for same-sex marriage will sue to prevent the vote from happening, and possibly to overturn the amendment once it is adopted. This has happened in Georgia, Massachusetts, Nebraska, Oklahoma, Kentucky, and Tennessee, just to name a few.

“If you choose not to let the people vote on an amendment, advocates for same-sex marriage will seek to fill the state’s constitutional vacuum with a ruling from your state supreme court mandating marriage for same-sex couples based on your state constitution’s due process and equal protection guarantees. That is the position of defense. That is the position in which states like California, Iowa, Maryland, New York, New Jersey, and Washington find themselves.”

The case of Iowa

In December of 2005, New York based Lambda Legal and six lesbian couples filed a lawsuit challenging Iowa marriage laws; attempting to circumvent the will of the people and score a quick victory in the courts. The similarities between Iowa and Minnesota are chilling. Like Minnesota, Iowa has a DOMA law and its marriage amendment is bottled up on democrat controlled senate com-

skin color, but there is a tremendous difference between a man and a woman.

Allowing a black woman and a white man to marry does not change the definition of marriage. However, allowing two men or two women to marry would fundamentally change that definition. Maintaining the definition of marriage as the union of one man and one woman is essential to preserving the very nature and purpose of marriage.

Enshrining discrimination

Some of those who testify today claim that the marriage amendment is enshrining discrimination in the state Constitution. It is an affront to most blacks to say the discrimination blacks faced during the civil rights movement is on par with laws preventing two men or two women from

marrying. African American pastors in Minnesota strongly reject the assertion that same-sex marriage is a civil rights issue.

Children need mother and father

I am also concerned about our children. Some claim that all children need is two loving people in a committed relationship. In my experience this is simply not true. We have tried this in my community and found it to be wrought with failure.

For decades we have tried to raise our sons with two loving people—a mother and a grandmother—and we know it doesn’t work. But is anyone listening? There is a mountain of sociological data that proves children are far better off in a home with a mother and a father.

Let me tell you something, a same-sex

marriage is an environment without a mother or a father. And here in the African American community we already know what will happen.

But what I do hear are comparisons between same-sex marriage and civil rights or discrimination. Let me quote the Rev. John Thomas, “Rosa Parks didn’t move to the front of the bus to support sodomy.”

I am (offended, outraged, saddened) that people would accuse me of discrimination because I believe a child needs a mother and a father.

If supporters of same-sex marriage, like OutFront, are truly interested in listening to the black community, then I suggest they start by paying attention to the failure of single sex homes and stop co-opting the language of civil rights.

mittee. “We believe if the marriage amendment is not passed this session, Minnesota can expect a challenge similar to Iowa as well,” said Chuck Darrell director of communications for the Minnesota Family Council. “If the marriage amendment is not passed this session, groups like Lambda Legal will have two years to challenge marriage laws in the courts before the people of Minnesota get another chance to vote.”

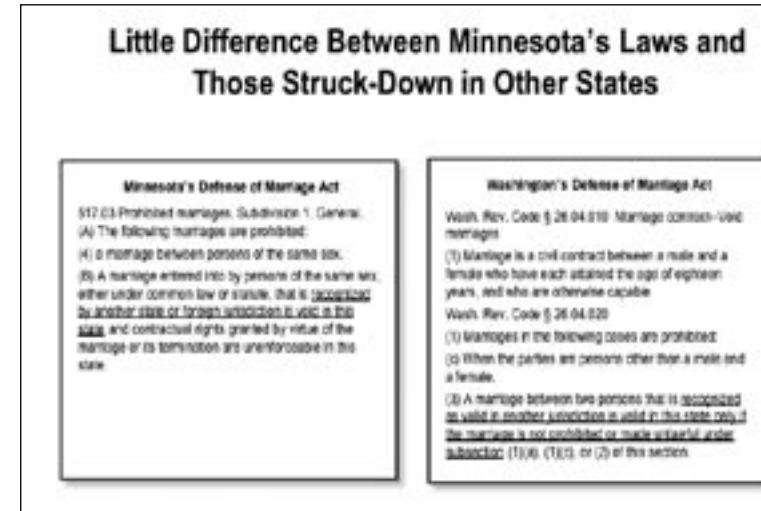
Don’t listen to the false assurances of politicians: our current laws do not provide adequate protection for marriage.

When Bishop Henry of Calgary CA spoke at the Pastors Summit in November he was asked, “Why did you let same-sex marriage become legal in Canada?” He responded, “We listened to the false assurances of our politicians.”

Bishop Henry cited a 1999 statement by Justice Minister Ann McClellan before the Canadian House of Commons: “Let me state again for the record that the government (Canada) has no intention of changing the definition of marriage or of legislating same-sex marriages. The definition of marriage as the union of one man and one woman is found in the common law of our country and the common law of our system of law. We the government thought perhaps we could spend our time debating other issues as opposed to that on which there is clarity in law.”

“Recently, those in opposition to the marriage amendment have stated that our DOMA law provides adequate protection for marriage. Not so,” says Darrell. “Testimony given before the Judiciary Committee demonstrated that there is little difference between Minnesota’s laws and those struck down in other states.”

A lawsuit or activist judge could



easily strike down the Defense of Marriage Act of 1997 and the Minnesota Supreme Court decision of 1971 (Baker v. Nelson).

“In fact, Lambda Legal is working in two states that already have DOMA laws. They wouldn’t spend big money and political capital if they thought the law was strong,” said Darrell “As same-sex marriage advocates believe DOMA is weak, then the only thing that stands in the way of same-sex marriage in Minnesota is Baker v. Nelson.”

Baker v. Nelson does not provide protection against activist judges.

According to testimony by Chris Stovall, “the current [Lambda Legal] strategy is to have same-sex marriage declared a state constitutional right under the constitutions of as many states as possible, and to studiously avoid any federal constitutional claims.”

“Yet Baker v. Nelson expressly and only addressed such federal constitution claims. It analyzed whether Minnesota’s restriction of marriage to opposite-sex couples violated federal constitutional provisions,” he continued.

“The only reference Minnesota law in the entire Baker opinion is to the marriage statute,” Stovall said. “There is literally no reference in the opinion to

the Minnesota Constitution, or any Minnesota case law. Thus Baker has no precedential value in the context of Minnesota courts weighing whether the Minnesota Constitution compels the right of marriage to be given to same-sex couples.

“Without an amendment elevating the definition of marriage to the status of constitutional authority, on par with state guarantees of due process and equal protection of the laws, there is no way to prevent the Minnesota Supreme Court from deciding that the right to marry extends further under the state Constitution than under the federal Constitution, such that individuals have the right to ‘marry’ another person of the same sex.”

An amendment to state Constitution is the best protection for marriage.

“Amending our Constitution is appropriate,” concluded Senator Bachmann. “If one truly supports traditional marriage and opposes judicial redefinition of marriage, the only recourse to activist judges is a constitutional amendment. The Minnesota Constitution is designed to protect the fundamental rights of individuals. There is no more fundamental institution necessary to the well-being of society than the institution of marriage. It does

TALKING POINTS

Ask Your Senator

1. Remind your senator that marriage is under assault.
 - “Senator, are you aware that there is a well-planned, well-funded effort to overturn marriage laws in at least 7 states across the US?”
2. Emphasize that marriage laws will be challenged in Minnesota.
 - “Senator, what guarantee do you have that this won’t happen in Minnesota?”
3. Be adamant that Minnesota marriage laws are vulnerable to attack.
 - “Senator, what proof do you have that our marriage laws will stand up to a lawsuit?”
4. Make clear that a constitutional amendment is the best protection for marriage.
 - “Senator, how would you feel if traditional marriage was struck down because you failed to pass a marriage amendment?”
 - 5. Ask your senator “Who decides?”
 - “Senator, are you aware that if the amendment is not passed this session, opponents will have two years to redefine marriage before we can vote again?”
 - “Senator, who decides? The people or activists?”
 - 6. Tell your senator to “Let the people vote in 2006!”
 - “Senator, will you vote to pass the marriage amendment if it comes to the senate floor?”
 - “Senator, will you vote to bring the marriage amendment out of committee?”

not expand or restrict the rights of any Minnesotan. It simply elevates the definition of marriage, as reflected in our current statutes, to the level of our state Constitution, thereby making it more difficult for a judge or lawsuit to overturn the definition.”

“Ask your Senator, ‘What is it you don’t get about this picture?’” said Darrell. “To the north, Canada legalized same-sex marriage in June of 2005. Just a few months later, the Canadian Justice Department called for the repeal of polygamy laws. North Dakota passed a marriage amendment in November of 2004. South Dakota



and Wisconsin voters will be able to vote on a marriage amendment in November. And in Iowa, Lambda Legal filed a lawsuit in December of 2005. Is there any question that marriage will be challenged in Minnesota?”

St. Paul rally drew 2,000 people

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Chuck Darrell, director of communications for the Minnesota Family Council.

“Often, a rally held in St. Paul draws little attention in out-state media. However, when hundreds gather in a legislator’s back yard, accompanied by local and state politicians, it becomes front page news,” he added.

“Amendment efforts benefit by holding rallies in local communities,” said Justin Uran, Grassroots Advocacy Director for the Minnesota Family Council. “Each rally began the process of building a strong, reusable network that will assist in future efforts such as petition gathering, candidate identification and voter



registration. For example, we’ve collected thousands of petitions in Willmar, the largest city in Sen. Dean Johnson’s district. These contacts will provide the ground work for our voter registration drive to begin in May.”

The rally in St. Paul drew an estimated crowd of nearly 2,000. “We didn’t realize how many people attended until after the event when we found we had collected nearly 1,600 new petitions,” said Uran. The St. Paul rally drew

support from the Office of Youth and Family Laity of the Arch Diocese of St. Paul/Minneapolis. “The key element in the success of all our rallies has been prayer support provided by our state-wide prayer network,” said

Borgendale. “I encourage amendment supporters to pray for their legislators as well. The session isn’t over.”