

More States Poised to Protect Marriage at the Ballot Box

By Robert Knight



CWA of Kansas worked for passage of a state marriage protection amendment last year. Here, citizens at a marriage rally sign petitions for delivery to key state senators. Kansas citizens passed the amendment in April 2005, and at least nine more states hope to follow suit in November.

Momentum is building in the battle to protect marriage, with another big push coming this November.

Seven states — Arizona, Idaho, South Carolina, South Dakota, Virginia, Tennessee and Wisconsin — have marriage protection amendments on the November ballot. If they all pass, as expected, this would bring the total number of states with marriage amendments to 26.

CWA volunteers are working hard on these marriage campaigns, holding strategy sessions with other pro-family activists, writing letters to the editor and helping to create campaign materials.

Meanwhile, courts have delivered several key verdicts favorable to marriage.

New York, July 6 - The state's highest court upholds the marriage law, and states clearly that defense of marriage is not bigotry.

Georgia, July 6 - The state's highest court overturns a county judge's ruling that the marriage amendment passed by

77 percent of the voters is unconstitutional.

Massachusetts, July 10 - The Supreme Judicial Court upholds the legality of a state constitutional marriage amendment proposed for the ballot in 2008.

Connecticut, July 12 - Superior Court Judge Patty Jenkins Pittman upholds as constitutional the state's law defining marriage as only the union of a man and woman.

Tennessee, July 14 - A state court rejects a challenge to keep a proposed constitutional amendment off the 2006 ballot.

Nebraska, July 14 - The 8th Circuit Court of Appeals overturns a federal judge's ruling that the state's constitutional amendment is unconstitutional.

Washington, July 27 - The state Supreme Court upholds the state marriage law.

Arizona, August 10 – A Superior Court allows an amendment on the November 7 ballot.

In Congress, the Marriage Protection Amendment (MPA) failed to gain enough votes in either the House or Senate for the second time. A measure to suspend a liberal filibuster and vote on the MPA garnered 49 “yes” votes to 48 “no” votes in the Senate on June 7. Sixty votes are needed to end debate and slate a vote on the actual amendment, and 67 votes are needed for passage.

Rep. Louie Gohmert (R-Texas) on July 11 introduced a single-sentence amendment that reads:

Marriage in the United States shall consist only of a union of one man and one woman.

CWA supports this language because it is unambiguous and leaves no room for an interpretation that would encourage state legislators to create civil unions, domestic partnerships and other forms of counterfeit marriage.

The best news has come from the courts.

In Nebraska, homosexual activists had contended that they were barred from participating in the political process because the voters approved a comprehensive marriage amendment. They used reasoning similar to that in the U.S. Supreme Court’s *Romer v. Evans* ruling striking down Colorado’s Amendment 2, which would have prohibited the state and localities from adding special protections based on “sexual orientation.”

The ruling charged the majority of Colorado residents with “animus” toward homosexuals and declared that Amendment 2 violated the due process right of homosexuals to redress grievances, a contention many legal observers still find absurd.

In Nebraska, the 8th Circuit rejected *Romer’s* reasoning as applied to marriage,



CWA of South Dakota held a press conference, complete with a bride and groom, to generate support for the state’s marriage amendment, which will appear on the November 7 ballot. CWA of South Dakota State Director Linda Schauer is at right.

saying that the scope is narrower and that citizens have a right to declare who is eligible to be married. The three-judge Circuit panel cited the July 6 ruling by the New York Court of Appeals, which upheld New York’s regulation of marriage.

As in New York, the court said that the state had a legitimate interest in providing an incentive for opposite-sex couples, who could unintentionally bear children, to enter into a stable relationship. The court also noted that social science research overwhelmingly indicates that children do best when raised in a mom-and-dad home.

“Gay” activists stuck to their announced strategy in this case by not claiming that the amendment violated a federal constitutional right to marry,” said Jan LaRue, Concerned Women for America’s Chief Counsel. “All of their challenges were that the amendment unconstitutionally interfered with their right to participate in the political process. Their strategy is to win the ‘right to marry’ in several state courts before they make a head-on challenge in federal court.”

Robert Knight is Director of CWA’s Culture & Family Institute. For more on the defense of marriage, visit <http://www.cwfa.org/hot-topics.asp#marriage>. ■