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NATIONAL news

AMENDMENT AMENDED

Language reworded on the eve of Senate committee hearing on same-sex marriage by Bob Roehr

The Senate's third hearing on the "threat" of same-sex marriage March 23 was a strange mix of acrimony and ennui. In the end, it was unclear whether any movement had been made in any direction, or when the committee might again take up the issue.

"The traditional institution of marriage is not about discrimination—it is about children," asserted Sen. John Cornyn, R-Texas, chairman of the judiciary subcommittee on the Constitution.

"Activist judges," in finding that banning same-sex couples from marrying discriminates against them, are "accusing ordinary Americans of prejudice, while abolishing American traditions by judicial fiat," he said. "The only way to save laws deemed 'unconstitutional' by activist judges is a constitutional amendment."

Cornyn said these activists "accuse others of writing discrimination into the Constitution, yet they are the ones writing the American people out of our constitutional democracy."

Sen. Dianne Feinstein of California, the ranking Democrat on the committee, called the Federal Marriage Amendment "ill-timed and ill-advised.... It would, if enacted, become the first amendment to limit rights" and inject the federal government into the area of family law, which heretofore had been the sole responsibility of the states.

She laid into a revised version of the FMA introduced only the day before by Sen. Wayne Allard and Rep. Marilyn Musgrave, both Colorado Republicans and original sponsors of the amendment.

"I think this change of language is a good indication of how controversial and complex this issue is. Here, on the eve of a hearing into the text of one amendment, we see a change in language so dramatic that we are now really confronted with a different amendment altogether, with its own unique problems," Feinstein said. Amending the Constitution "is not a process best done overnight, on a moment's notice."

Allard called the changes a minor tinkering to make his original intent more clear. Those were to define marriage as only between a man and a woman; to provide a definite role for the state legislatures in enacting other types of legal protections for same-sex couples; and to limit the judiciary.

Openly gay Rep. Barney Frank, D-Mass., was at his most combative as the second witness on the panel of experts. He said the wording of the



Sen. Wayne Allard, R-Colo., claimed he tinkered with the Federal Marriage Amendment to make his original intent more clear

amendment would prohibit states from offering protections such as those of civil unions and domestic partner benefits.

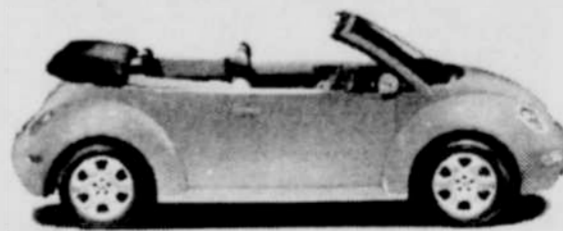
"We want to express love in the same way that you do," Frank said. "If I choose to associate with another man, how does that hurt you?"

"Imitation is the sincerest form of flattery. What you have with marriage, we admire it, we would like to be able to share it," Frank said. "If you are not prepared to make it illegal for gays to have children, and few people are proposing that, then how can you justify not giving those children the same legal protections that their schoolmates have in their households?"

Frank pointed to Massachusetts, where a constitutional amendment to ban same-sex marriage is likely to be put to the citizens to vote up or down. But the FMA would preclude that, he said. "If the people decide to allow [same-sex marriage], you will cancel it out."

Rep. John Lewis, D-Ga., a longtime civil rights activist and ordained Baptist minister, said, "I oppose any amendment that seeks to write discrimination into our United States Constitution." Conservatives have scorned any attempt to link the black and gay civil rights movements.

"I ask the question: Where would we be as a nation if Congress in 1954, 50 years ago, had radically amended our Constitution to uphold segre-



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