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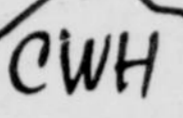



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NATIONAL news

MITT AND HISS

Massachusetts governor backs Federal Marriage Amendment at Senate hearing by Bob Roehr

The Senate Judiciary Committee turned again June 22 to the subject of same-sex marriage and the amendment to the U.S. Constitution that would ban it. This time it was for a meeting of the full panel, chaired by Orrin Hatch, R-Utah.

"Traditional marriage is under attack," he asserted in his opening statement. "Courts and renegade public officials, not conservative activists, have made this a national issue. If we are to protect and strengthen the institution of marriage, there appears to be no way around the constitutional solution to this problem."

Reflecting on the issuance of marriage licenses to same-sex couples in Massachusetts since May 17, Hatch said: "The point is not that civilization will come to a screeching halt but that people begin an unprecedented and unwise slide into accepting a divorce between marriage and child rearing. For this reason, many believe same-sex marriage will likely act to undermine the health of families over time."

Ranking Democrat Patrick Leahy of Vermont lambasted the hearing and the Federal Marriage Amendment as politics pure and simple. "This debate is not about preserving the sanctity of marriage, it is about preserving a Republican White House and Senate."

Leahy chastised the committee for finding time to hold four hearings on same-sex marriage instead of focusing on "the abuses at Abu Ghraib, the FBI's troubling and costly computer problems, FBI lab problems, FBI foreign translation problems and the bipartisan [Security and Freedom Ensured] Act."

Massachusetts Gov. Mitt Romney devoted most of his opening statement to a factual recitation of the course of events in that state, characterizing the Massachusetts Supreme Judicial Court's decision as "a fundamental break with all of our laws, experiences and traditions."

Romney discussed how the state might spend federal money and qualify beneficiaries for programs. "For example, we have been told that we cannot use federal funds to provide meals for an elderly same-sex spouse if the person's eligibility for the services is due to their spousal status."

The Defense of Marriage Act, which prohibits recognition of same-sex marriage for federal programs, can cut both ways. While spousal status does not qualify one for Medicaid, when it comes to meeting income eligibility criteria, only the applicant's income, not the family or spousal income, counts toward that ceiling of eligibility to receive benefits.

Similarly, Romney said the federal Centers for Medicare and Medicaid Services "has notified us that federal transfer-of-asset rules regarding spouses will not apply, nor will spousal impoverishment provisions apply to same-sex spouses." He called for "an amendment that restores and protects our societal definition of marriage, blocks judges from changing that def-



Republican Gov. Mitt Romney characterized the Massachusetts Supreme Judicial Court's decision as "a fundamental break with all of our...traditions"

inition and then, consistent with the principles of federalism, leaves other policy issues regarding marriage to state legislatures."

Bob Barr, a conservative Republican and former congressman from Georgia, was the sole witness to speak against the amendment. He was disturbed by the rush to get it to a vote on the floor of the Senate. "I urge you, Mr. Chairman, to oppose efforts to circumvent your committee on an issue of such monumental, lasting and wide-ranging importance."

He harshly criticized the actions of San Francisco Mayor Gavin Newsom and the Massachusetts court in pushing for same-sex marriage. "However, some of my fellow social conservatives are today pulling a Newsom with the Federal Marriage Amendment—and, even more indefensible from a conservative perspective, they are trying to use the Constitution as their tool."

Barr then turned his attention to Romney.



Bob Barr

"The governor is pleading for this Congress and the federal government to protect him against the Massachusetts...Constitution, the Massachusetts Legislature, the Massachusetts Supreme Judicial Court and, most ironically, the people of Massachusetts if they eventually ratify the proposed Massachusetts constitutional amendment."

Barr invoked federalism in arguing against the amendment: "Marriage is a quintessential state issue." And he worried, "If we begin to treat the Constitution as our personal sandbox, in which to build and destroy castles as we please, we risk diluting the grandeur of having a Constitution in the first place."

Barr acknowledged "the erosion of the nuclear family.... Restoring stability to these families is a tough problem and requires careful, thoughtful and, yes, tough solutions. But homosexual couples seeking to marry did not cause this problem, and the Federal Marriage Amendment cannot be the solution."

Cheryl Jacques, president of the Human Rights Campaign and a former Massachusetts state senator, said: "Clearly you do not have to support same-sex marriage rights to be against