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Tying the Knots

Eleven states ban same-sex marriage in one day

by Bob Roehr

Gay and lesbian advocates acknowledged that most of the anti-gay state constitutional amendments to prohibit same-sex marriage were going to pass.

They hoped to create a psychological fire wall by defeating at least one and hopefully several of those measures. They failed in all 11 votes.

Most of the effort to defeat an amendment was focused on Oregon, where fighting a series of anti-gay referendums during the past decade had created a strong political infrastructure of volunteers, voter lists and fund-raising capacity. It came up short, as 57 percent of voters supported the amendment.

This occurred even while John Kerry was rolling up a solid 52 percent victory in Oregon. It suggests that a lot of Democrats, even in liberal Oregon, are not comfortable with the idea of same-sex marriage.

Michigan was another source of optimism, though adequate financial resources were not channeled into the state. Some 59 percent of voters approved that amendment.

In Ohio, where the state's leading Republican elected officials proclaimed their support for traditional marriage but opposed the amendment because of its second clause that would affect domestic partnerships, the amendment rolled up 62 percent of the vote.

Utah's three candidates for state attorney general were united in their opposition to that state's marriage amendment. Still, 66 percent of Utahns voted for it.

Kentucky community organizers tried going door to door to change people's minds on that state's marriage amendment. Three-quarters of the voters supported it.

A silver lining in this struggle comes from national exit polling. While only 27 percent of voters support same-sex marriage, some 37 percent support civil unions. A hard core of 35 percent favor no recognition of same-sex relationships.

Massachusetts is the only state that now allows gay and lesbian couples to marry. Protecting that beachhead got a boost when all the supporters of same-sex marriage were re-elected to the Legislature, as were six of eight candidates for open seats.

Gov. Mitt Romney strongly opposed same-sex marriage and backed an aggressive campaign to elect Republicans to the Legislature. But it failed; the party suffered a net loss of three seats.

When those results are combined with successes in the earlier Democratic primary, gay rights supporters are confident that they can defeat the state's marriage amendment when it comes up for a mandatory second vote in the Legislature next year. **JM**



Even though John Kerry had strong support in Oregon, Ballot Measure 36 passed with 57 percent of the vote

Georgia on their mind

Legal groups will file suit to strike down anti-gay amendment

by Jim Radosta

Attorneys say they will file a lawsuit on behalf of concerned voters "at the earliest moment possible" to strike down an anti-gay amendment to the Georgia Constitution that was passed Nov. 2.

Plaintiffs had sued to keep the question off of the ballot because the amendment illegally contained more than one subject and the ballot question itself was misleading. Late last month the Georgia Supreme Court issued a ruling saying the amendment's legality could not be fully considered until after the election.

"We are going to file this lawsuit at the earliest moment possible—after the secretary of state certifies the results of the election," said Jack Senterfitt of Lambda Legal. "The Georgia Supreme Court was clear last week when it said explicitly that the measure can 'certainly be challenged' if it is enacted, and that is exactly what we intend to do."

Beth Littrell of the American Civil Liberties

Union of Georgia added: "Our arguments were strong in the first round, and we will be taking the very same arguments back through the courts—the Supreme Court didn't disagree with our position, they just said we were too early. This time there is no barrier to getting the final word on the constitutionality of the amendment."

Earlier this year, the state Legislature approved an amendment to the Georgia Constitution that would prohibit same-sex couples from marrying, may prohibit civil unions and seeks to limit the court's jurisdiction on matters involving same-sex couples. The Legislature's approval put the measure on the November ballot, but lawyers argue that the required process for amending the constitution was not followed.

"We've maintained from the very beginning of this case that the amendment was flawed when it was created, was flawed in the voting booth and remains unconstitutional now," attorney Johnny Stephenson said. **JM**

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