

national

'A Solution in Search of a Problem'

Senate kills Marriage Protection Amendment on procedural vote

by Bob Roehr

The U.S. Senate defeated a procedural motion June 7 to close off debate on the Marriage Protection Amendment by a vote of 49-48; 60 votes are required for cloture. That effectively kills the amendment for this session of Congress.

The Senate last voted on a constitutional amendment to ban same-sex marriage in July 2004 when it declined to cut off debate by a vote of 48-50.

Most observers anticipated that because of Republican gains in the Senate, the vote would have increased. It did not, in part because Sens. Arlen Specter of Pennsylvania and Judd Gregg of New Hampshire joined five other Republicans and 41 Democrats in voting no.

Both votes are well short of the 67 votes needed to pass a constitutional amendment. Several Republican senators who voted for cloture have said they are opposed to the substance of the amendment.

"President Bush and the Republican leadership gambled their dwindling political capital on a discriminatory amendment and came up empty," said Joe Solmonese, president of the Human Rights Campaign. "With the additions of Sens. Specter and Gregg, not only did every senator who voted against discrimination in 2004 stand with us today, but momentum is on the side of equality."

Patrick Guerriero, president of Log Cabin Republicans, added, "The U.S. Senate gave a

resounding defeat to the voices of intolerance who are trying to use the Constitution as a political tool."

National Stonewall Democrats interim executive director Jo Wyrick noted that all but two Democratic senators voted no. "Democrats understand that this false debate was designed as a divisive, destructive political maneuver on the part of Republican operatives."

The Senate debate kicked off June 5, with social conservative Republican advocates proclaiming the end of the institution of marriage and in fact Western civilization if gays were allowed to marry—despite evidence to the contrary from the experience in Massachusetts and a handful of nations around the world.

Most Senate Democrats eagerly embraced the definition of marriage as only between a man and a woman but then said that because the amendment wasn't going to pass, bringing it up was divisive, a distraction from the laundry list of things they would like to do.

But mixed among the rhetoric were some thoughtful comments on the subject of same-sex relations that largely were absent during the Senate debate two years ago.

Specter called the amendment "a solution in search of a problem" and vowed to vote against it. He noted that the courts that have ruled in favor of same-sex marriage largely have based their decisions

on state constitutions and that the U.S. Supreme Court has said that marriage is a matter for the states.

Sen. Patrick Leahy, D-Vt., defended same-sex civil unions in his state. They had brought "no ensuing crisis in the lives of Vermont," a state that has "one of the lowest divorce rates in the country."

He thought it odd that the Bush administration, which has proclaimed the amendment a priority, never bothered to testify at any of the many hearings held on the amendment or even to submit written comments.

"The Constitution has been a historic guarantee of individual freedom," said Russ Feingold, D-Wis. "Gay and lesbian Americans consider this an amendment to make them permanent second-class citizens."

He asked the question, do we really want to "alter the basic framework of our federalism" by making marriage, traditionally an area of state jurisdiction, now a matter of national law? He answered in the negative.

John McCain, R-Ariz., echoed that in his opposition to the amendment, expressing a need to keep family law closest to the people.

"Gay and lesbian couples deserve the same rights as other couples," said Sen. Ted Kennedy, D-Mass., in defending same-sex marriage in his state. He cited the U.S. Supreme Court decision of *Loving vs. Virginia*, which struck down laws banning interracial marriage, as saying that "marriage is a civil right."

"Religious freedom is under attack" by the amendment, said Kennedy. It would prohibit churches that now recognize same-sex marriage from doing so, which is an intolerable imposition of the state into religious matters. He called for distinguishing "between the religious and civil aspects of marriage" so as not to deny the 14 million children with a gay parent the legal protections of marriage.

Mark Dayton, D-Minn., who is retiring from the Senate, laid into the amendment as "un-American, un-Christian and unnecessary." He said he reread the New Testament and found not a single word about same-sex relations, yet he found six prohibitions against divorce and 12 admonitions against adultery. "I am not aware of any constitutional amendment to ban them."

He called discrimination against queers "vicious, ugly and cruel. It is immoral and should be illegal.... What we ought to do is leave marriage up to God" and redefine the civil side of the equation.

"The fact that two gay people want to take care of each other for the rest of their lives doesn't threaten my marriage," said Barbara Boxer, D-Calif. "The divorce rate in the military has doubled in the last two years; if we want to do something for marriage, we should bring the troops back from Iraq." 10

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