

# OPPOSITION TO MARRIAGE AMENDMENT BASED ON HYPOCRISY AND CYNICISM

By Don Feder

The nation just witnessed the dreary spectacle of the most powerful deliberative body in the world weighing the most important social issue of our time – an amendment to the U.S. Constitution defending traditional marriage –in a debate dominated by hypocrisy, cynicism and a concerted effort at reality-avoidance.

Democrats – and half a dozen Republicans – wouldn't even allow the amendment to come up for a vote. A move to cut off a filibuster (60 votes needed) failed 49 to 48.

“A vote for this amendment is a vote for bigotry,” slurred the senior Senator from Massachusetts. In so saying, Edward Kennedy labeled all 8 U.S. Catholic cardinals – leaders of his Church – bigots, not to mention that notorious hatemonger, Benedict XVI (who also opposes Brokeback Mountain marriages).

The party of perversion was in rare form. I mean perversion of the truth, not the other kind of perversion – which they also favor.

Howard Dean had a new scream: “Democrats are committed to fighting this hateful, divisive amendment.”

What about not allowing a brother and sister to marry, or a man to marry four women, or a teacher to marry her 13-year-old student, or a man to marry a horse – is that *hateful* and *divisive* too, Governor?

The party whose last president didn't know what the meaning of “is” is, -- the party that condoned Clinton's perjury -- mobilized

its full armada of deceit, deception and slander to misrepresent an amendment which is the essence of simplicity.

In pushing the amendment, the president and Republican congressmen were “playing politics” (i.e., using an issue for political advantage) they whined, something Democrats would never dream of doing – except with Social Security, gun control, abortion, hate-crimes legislation and any other issue on which they decide to pander to part of their constituency.

For Republicans, preserving marriage does make political sense. If not for the presence of marriage amendments on 11 state ballots in 2004 – especially in Ohio – Bush would now be planning his presidential library.

But it also happens to be something a majority of Republican congressmen believe in – and for good reason.

An extension of the it’s-just-politics argument was: “Why are you wasting our time with this, when there’s a war raging in Iraq, gas is over \$3.00 a gallon and there’s still no cure for the heartbreak of psoriasis.” For Senate liberals, preserving traditional marriage ranks right up there with organ-transplants for pets as a non-issue.

The Marriage Protection Amendment reads: “Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be *construed* to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.”

Who would be doing the construing?

The amendment is designed to restrain state and federal judges from staging a coup d'etat from the bench – sweeping aside popular sovereignty and perverting the Constitution, to radically remake the institution that forms the bedrock of civilization, to advance an ideological agenda.

To understand why this is absolutely essential, here are a few statistics to bear in mind:

- 45 – The number of states that have now defined marriage as the union of a man and a woman, either by amendment or statute.
- 19 – The number of states in which voters have passed constitutional amendments so defining marriage, most by margins of over 70% (going as high as 86%) – including blue states like Ohio, Michigan, Oregon and Hawaii. Californians passed a marriage statute in 2000.
- 7 – The number of additional states likely to have marriage- affirmation amendments on the ballot this fall – with 8 more poised to enact similar measures by 2008.
- 58% -- The percentage of voters opposed to same-sex marriage in the latest opinion poll.
- 38 – The number of states required to ratify a proposed amendment before it becomes part of the Constitution.
- More than 100,000 – The number of Nebraska voters who signed a petition to put a marriage amendment on their state ballot in 2000.
- 70% -- the vote by which the Nebraska amendment passed.

Again, the Federal Marriage Protection Amendment is about constraining one group, and one group alone -- judges who care nothing about 5,000 years of tradition, biology, the religious values on which our nation was founded, public opinion, the outcome of elections or actions by the duly elected representatives of the people.

Now, a few key dates to note:

- May 17, 2004 – Massachusetts is forced to begin issuing marriage licenses to homosexual couples, based on a decision of the state’s highest court which deliberately misread an 18<sup>th</sup>. century document, drafted by John Adams, to require same.
- May 21, 2005 – U.S. District Judge Joseph Bataillon became the first federal judge to strike down a state marriage protection amendment.
- May 16, 2006 -- Fulton County Superior Court Judge Constance C. Russell overturned Georgia’s marriage amendment, enacted by vote of 76% in one of the largest turnouts in the state’s history. Currently, there are serious challenges to state marriage laws (efforts to legislate gay marriage from the bench) pending before the state supreme courts in New Jersey and Washington state. Both tribunals are dominated by judicial activists.

Liberal judges will grasp at any straw to throw out a state marriage amendment. Consider the exquisitely crafted decision of Judge Bataillon, surely one of the great legal minds of our age (appointed by Bill Clinton, one of the great political minds of our age).

Bataillon fantasized that by barring homosexual marriage, the state amendment violates the U.S. Constitution's First Amendment right to petition government.

In other words, with the amendment in place, activists can't lobby the state legislature to enact gay marriage – something no legislature has ever done or could conceivably do, fearing voters' wrath. Moreover, 70% of Nebraska voters just expressed their firm conviction on this subject – in an election where same-sex marriage proponents had ample opportunity to make their case.

If he was honest, Bataillon would have said that the amendment limits the ability of radicals to persuade a judge to force homosexual marriage on a state.

I just can't wait for the day when a judge declares that not allowing homosexual marriage violates the Magna Carta, the Code of Hammurabi or Roberts Rules of Order.

When not attacking the amendment as hateful, divisive, bigoted and exploitative, opponents (like Shifty John McCain) fell back on that old reliable – federalism. We can't pass the Marriage Protection Amendment, they pleaded. Everyone knows marriage is a state matter.

But the states have spoken – at ear-shattering decibels. An overwhelming majority define marriage in the only way that makes sense. In almost half of the states, voters have passed marriage amendments to their constitutions by landslide majorities.

The federal Marriage Protection Amendment must be ratified by three-fourths of the states to become part of the

Constitution – which will give their legislatures yet another opportunity to deliberate.

“Leave it to the states” is a euphemism for “leave it to the courts.” The left has always relied on its judicial minions to effect the radical social change (abortion on demand, outlawing public expressions of faith, advancing cohabitation) it could never secure through the democratic process.

By the way, isn't it nice that after deriding the concept for a half-century and more, the left has suddenly, albeit selectively, embraced states' rights.

How about leaving gun laws to the states – or environmental protection, or civil rights or the regulation of campaign finance?

For liberals, anything and everything is a proper subject for national regulation – except marriage. States (which liberals view as annoying anachronisms) become sovereign and sacrosanct only when it comes to amending the Constitution to protect marriage.

On Wednesday, the marriage amendment fell far short of the two-thirds vote needed for passage in the Senate. Along with their Republicans stooges (who suffer from the political equivalent of gender-identity disorder), Senate Democrats voted against Genesis, against human nature and against democracy.

Bigotry and hate were firmly defeated – the bigotry that favors the only unions capable of producing children and the hatred that protects the only institution able to properly nurture them.

