

Responding to Lawmaker's Excuses

Below are some of the most common excuses being used by opponents of the marriage amendment.

Excuse	Fact
<p>Minnesota already has a Defense of Marriage Act and therefore a constitutional amendment is unnecessary.</p>	<p>Contrary to what some politicians would like you to believe, Minnesota's Defense of Marriage Act (DOMA) has never been tested in a court of law. Our current DOMA law will not protect us from activist judges. Marriage laws have now been challenged in nearly half our country, the latest case having been filed in Iowa. Courts have overturned marriage laws in 8 states, mandating the legal recognition of same-sex marriage (California, Hawaii, Alaska, Vermont, Massachusetts, Washington, New York and Maryland). Many of these states had laws similar to Minnesota, including Washington state that had a DOMA law nearly identical to that of Minnesota. Don't be fooled by legislators who claim our current laws protect us. Consider the fact that 21 of the 26 states that have passed marriage amendments <u>already</u> had DOMA laws on their books. This confirms that a constitutional amendment is the only <u>real</u> protection for marriage.</p>
<p>Minnesota has a State Supreme Court ruling on the question of same-sex marriage from 1971 in <i>Baker v. Nelson</i>.</p>	<p>This excuse is a flawed for three reasons. First, this 30+-year-old court case ruled on the merits of recognition of same-sex marriage under the U.S. constitution, not our state constitution. Second, courts have a track record of overturning previous rulings, as evidenced by the U. S. Supreme Court's 2003 ruling in <i>Lawrence v. Texas</i>, which overturned the Court's previous 1986 ruling on sodomy. Finally, a Washington State federal judge recently said that <i>Baker v. Nelson</i> is likely no longer relevant given more recent decisions such as <i>Lawrence v. Texas</i>. These three facts discredit legislator arguments that <i>Baker v. Nelson</i> affords protection for marriage in Minnesota.</p>
<p>Minnesota judges stand for election – they would never dare to overturn our marriage laws.</p>	<p>Consider the fact that 4 of the 8 states in which marriage laws have been overturned also have some form of judicial elections (Washington, Alaska, California and Maryland).</p>
<p>The proposed marriage amendment will deny same-sex couples access to domestic partnership benefits.</p>	<p>The proposed amendment only prevents creating a status that is the legal equivalent to marriage – in essence, marriage by another name. There is nothing in the amendment that prevents private employers from offering domestic partnership benefits. A state court recently ruled that a constitutional amendment reaffirming Michigan's ban on same-sex marriage does not prevent public entities from providing domestic partner benefits to their employees.</p>
<p>I have not really heard from very many of my constituents on this issue.</p>	<p>The majority of Minnesotans want a constitutional amendment defining marriage exclusively as the union of one man and one woman, as evidenced by several surveys. During the past three years, no single issue generated more phone calls, emails, letters and personal visits to legislator's offices than the Defense of marriage amendment bill.</p>
<p>The marriage amendment is being pushed purely for political reasons.</p>	<p>At last count, there were approximately 20 lawsuits challenging marriage laws in 9 states. It's simply a matter of time before Minnesota's marriage laws are challenged in a court of law. There are very legitimate concerns behind this legislation.</p>