

> -----Original Message-----

From: Nora Slawik [mailto:rep.nora.slawik@house.mn]

Sent: Friday, April 01, 2005 4:09 PM

To: [REDACTED]

Subject: Re: Dear Representative Nora Slawik:

Dear Ms. [REDACTED],

Thank you for contacting me in support of HF 6, which proposes a constitutional amendment to ban same-sex marriages. I appreciate you alerting me to your concern. As you know, some of my legislative colleagues have proposed a constitutional amendment to ban same-sex marriages in response to court decisions in other states permitting such unions (HF 6). Apparently, they are concerned that gay couples from Minnesota will go to those other states to marry, then return to Minnesota to challenge our state laws, which ban same-sex unions.

Those laws were passed in 1997. Minnesota Statutes section 517.01 specifies that in order for a marriage to be lawfully valid in the state of Minnesota, the marriage may only be contracted between persons of the opposite sex. In addition, Minnesota Statutes section 517.03 prohibits marriage between persons of the same sex and specifies that a "marriage entered into by persons of the same sex, either under common law or statute, that is recognized by another state or foreign jurisdiction is void in this state and contractual rights granted by virtue of the marriage or its termination are unenforceable in this state." Constitutional amendment proponents worry, however, that the Minnesota courts will overturn these statutes--hence, the proposed constitutional amendment.

HF 6 passed the House of Representatives on March 31. However, I did not vote in favor of it. Personally, I do not believe such an amendment is necessary. Even Governor Pawlenty, a constitutional amendment supporter, has acknowledged that he believes Minnesota's current laws banning same-sex marriage "will repel any legal challenges here." Consequently, it is simply redundant and unnecessary to adopt such a proposal. Current law more than adequately addresses the issue.

Even if a court were to overturn these statutes, the legislature could debate the issue at that time. Nothing is lost by delaying action. Further, there is no reason to take up this constitutional amendment this session since the measure can't even go on the ballot until the 2006 general election. This is due to a provision in the Minnesota Constitution (Article 9, section 1). Minnesota's constitution provides that the Legislature can submit a proposed constitutional amendment "to the people for their approval or rejection at a general election (emphasis added). The next statewide general election won't be held until November of 2006. Many people believe, myself included, that there is no point in debating constitutional amendments this year when the voters can't even act upon them until next year. I believe our limited time this year would be better spent focusing on the issues of concern to all Minnesotans: education, health care, job creation, etc. We have an enormous budget deficit that must be dealt with. That should be our priority.

It is also important to know that the proposed constitutional amendment goes beyond banning same-sex marriages. It also bans their "legal equivalent." This is significant because it effectively bans any form of civil unions, including domestic partnerships. This ban on "legal equivalents" is written so broadly that it puts hundreds of Minnesota businesses at risk of being sued for providing certain employment benefits to gay people, such as time off to attend the funeral of a partner. I believe most Minnesotans have no objections to these domestic partner benefits. At a time when we need to help businesses create jobs, we shouldn't be burdening businesses with the costs of expensive litigation to defend reasonable corporate policies. Hundreds of Minnesota companies provide such benefits and Minnesotans don't object to them doing so.

Even President Bush, a supporter of banning gay marriage, has not come out in support of banning civil unions. It is speculated that because Vice President Dick Cheney's daughter is a lesbian, the President will not oppose legally recognizing civil partnerships.

Obviously, sometimes there are issues on which reasonable people will disagree. A constitutional amendment to ban same-sex marriages is one of them. Although I respect your views and appreciate knowing your opinion on this issue, I am not yet persuaded that Minnesota should move forward with this proposal at this time.

Despite our difference of opinion, I hope you will continue to advise me on issues that are important to you. It is only with the input of people like you that I am able to effectively represent our district, which is why I value your comments.

Again, thank you for contacting me.

Sincerely,

Nora Slawik

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