

Letter from Senator Leroy Stumpf to a Constituent

Thank you for contacting me with your views on a proposed state constitutional amendment to ban same-sex marriages.

As you may know, I'm not supportive of same-sex marriages, that is why I supported the Defense of Marriage Act that the legislature passed in 1997. The Defense of Marriage Act (DOMA) has some very important language. Chapter 517 states that, "marriage so far as its validity in the law is concerned, is a civil contract between a man and a woman...Lawful marriage may be contracted only between persons of the opposite sex..."

Chapter 517.03 relates to marriages that are prohibited under Minnesota Law. Subdivision 1, clause 4 reaffirms the above language very clearly, "a marriage between persons of the same sex (is prohibited). 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 is unenforceable in this state."

Minnesota also has a Supreme Court decision in 1970 upholding that marriage is only between a man and a woman. The case of Jack Baker and Michael McConnell sets a precedent for Minnesota courts.

Minnesota's laws prohibiting same sex marriages and Minnesota's Supreme Court decision reaffirming marriage between a man and a woman make Minnesota much different than Massachusetts.

Some people have told me they want to vote on an amendment to the constitution regarding this issue. Amending the state's constitution is not a given when ballots are submitted to voters. Over the years, a little over half of the amendments were passed by voters.

It is my belief that Minnesotans who believe marriage is the foundation of our society are well protected with our current laws and Supreme Court decision and should not risk possible defeat of an amendment to our constitution on such an important issue.