

Responding to Lawmaker's Excuses

Minnesota lawmakers who want to deny you the right to vote on the future of marriage in our state have become very skilled at making excuses as to why we don't need the Minnesota Marriage Amendment. Don't fall for their arguments. Here's a list of their most common excuses with some facts that you can use in your response.

Excuse	The Facts
Minnesota already has a Defense of Marriage Act (DOMA) and therefore a constitutional amendment is unnecessary.	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. Courts have overturned marriage laws in 9 states, mandating the legal recognition of same-sex marriage (California, Hawaii, Alaska, Vermont, Massachusetts, Washington, New York, Maryland and Iowa). Washington and Iowa both had DOMA laws similar to that of Minnesota. Don't be fooled by legislators who claim we don't need the marriage amendment. Consider the fact 23 of the 27 states that have passed marriage amendments <u>already</u> had DOMA laws on their books. This simply confirms the fact that a constitutional amendment is the only <u>real</u> protection for marriage.
Minnesota has a State Supreme Court ruling on the question of same-sex marriage from 1971 in <i>Baker v. Nelson</i> .	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 the Minnesota state constitution . Most legal challenges to marriage in other states have been <u>under the state constitution</u> . 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.
Minnesota judges stand for election – they would never dare to overturn our marriage laws.	Consider the fact that 5 of the 9 states in which marriage laws have been overturned also have some form of judicial elections (Washington, Alaska, California, Maryland and Iowa).
The proposed marriage amendment will deny same-sex couples access to certain benefits.	The proposed amendment only prevents the creation of a legal status that is 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.
I have not really heard from very many of my constituents on this issue.	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. No single issue generated more phone calls, emails, letters and personal visits to legislator's offices than the Marriage Amendment bill.
The marriage amendment is being pushed purely for political reasons.	It's simply a matter of time before Minnesota's marriage laws are challenged in a court of law. There are very legitimate concerns for passing this legislation and allowing voters to decide the future of marriage in Minnesota.