

Marriage amendment may rise again: Earlier attempt failed procedural vote

News in the [August 10, 2004](#) issue

Although a proposed constitutional amendment to define matrimony solely as a one-man, one-woman compact fell flat in the U.S. Senate last month, political and religious advocates say their efforts to deny marriage to same-sex couples are not over.

Senators defeated the amendment July 14 in a 50-48 procedural vote; 60 votes were needed to keep it alive, and 67 votes were needed for it to pass. Members of Congress were deluged with messages from conservative Christians to advance the measure during the legislators' debate, while liberal church leaders decried what they called an attempt to use the Constitution to restrict rights.

"The battle has just begun," said Senator Wayne Allard (R., Colo.), the amendment's chief sponsor. "As John Paul Jones once said in one of his battles, 'I have just begun to fight.'"

Allard and other proponents said they were heartened to get nearly half the Senate, mostly Republicans, to support the amendment, even though they were far short of the two-thirds "supermajority" needed for final passage. "We won on substance and lost on procedure," said Senator Sam Brownback (R., Kan.), another supporter. Six Republicans joined nearly all Democrats in the procedural vote.

In order to pass, the amendment would need approval from two-thirds of both the House and Senate, and then be ratified by 38 states. Earlier in July, House GOP leaders said they may hold a vote on the amendment before the November elections.

During four days of debate, Democrats rejected Republican overtures to scale back the amendment to read, "Marriage in the United States shall consist only of the

union of a man and a woman.” A second sentence that prohibits courts from conveying the “legal incidents” of marriage to gay couples proved more controversial, with critics charging it would tie the hands of states that may want to grant Vermont-style civil unions.

Supporters said a constitutional amendment is needed to keep “activist judges” from forcing states to recognize gay marriages. The 1996 Defense of Marriage Act defined marriage as between one man and one woman, but it has not yet been tested in court.

Currently, 38 states prohibit gay marriage, and similar ballot initiatives are likely in nearly a dozen more this November. In May, Massachusetts became the first—and thus far the only—state to allow gay marriage.

Democrats rejected the notion that heterosexual marriages are in such jeopardy that a constitutional amendment was needed to protect them. “I have been married for 42 years to the most beautiful person I have ever known. . . . But we don’t find our marriage in danger,” said Senator Patrick Leahy (D., Vt.). “I do find our Constitution endangered if we start to use it for bumper-sticker slogans.”

Speaking at a news conference after the vote, retired Episcopal Bishop Jane Holmes Dixon said “not all people of faith believe we should amend the Constitution to deny people equal rights under the law.” Twelve senators known to be Episcopalians were evenly split in the vote to cut off debate, according to the Episcopal News Service. Among them were Republican Senators John McCain of Arizona and Lincoln Chafee of Rhode Island, who joined four Democratic Episcopalians in voting to end debate.

While the United Methodist Church General Conference in the spring declared, “We support laws in civil society that define marriage as the union of one man and one woman,” the delegates did not adopt a position on the proposed amendment. James Winkler, staff executive of the UMC’s social action agency, told the United Methodist News Service he believes the marriage amendment “is more to make a political statement” relating to the presidential campaign.

Republicans, with the strong support of President Bush, had pushed hard for the amendment just two weeks before the start of the Democratic convention in Boston. Senator Rick Santorum (R., Pa.) said Republicans intend to resurrect the amendment next year.

The Democrats' projected ticket for the White House—Senator John Kerry and his running mate, Senator John Edwards—were on the campaign trail and were the only two senators not to vote on the amendment. Both said they oppose legalizing gay marriage but also oppose changing the U.S. Constitution.

“They’re running scared,” said former presidential candidate Gary Bauer. “They know that they have a problem on this issue, and they’re running away at all costs to avoid being nailed down.”

While polls show most Americans oppose legalizing gay marriages—55 percent, according to a CNN/USA Today/Gallup poll conducted in May—a lower percentage (51 percent) supported amending the Constitution to prohibit them.

At either pole of the religious- cultural spectrum, denominational leaders have reflected the sharp differences on the issue. In April the executive council of the United Church of Christ called not only for the defeat of the federal marriage amendment but also for the repeal of the Defense of Marriage Act. On July 13, the day before the Senate ended its debate, delegates to the triennial convention of the Lutheran Church-Missouri Synod passed a resolution, 1,163 to 22, to affirm traditional marriage and declare that “for our synod to be silent, especially in the present context, could be viewed as acceptance of the homosexual lifestyle.”

Religious groups who had lobbied for the amendment refused to concede permanent defeat. “Marriage, the union of one man and one woman, has always been recognized as the foundation of human society, but today marriage is sadly in need of protection,” said Bishop Wilton Gregory, president of the U.S. Conference of Catholic Bishops.

Tony Perkins, president of the Washington-based Family Research Council, which flooded Capitol Hill with petitions and phone calls in favor of the amendment, said senators left “the future of marriage in the hands of unelected judges, at least for the time being.”

Meanwhile, gay rights groups said the Senate vote signaled that the issue is not one that most Americans want to address. “This was an attempt to divide Americans that backfired and divided Republicans,” said Cheryl Jacques, president and executive director of the Human Rights Campaign. *—Religion News Service*