

Panel kills marriage amendment

Both sides foresaw outcome; supporters vow to press on

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Tears were shed, passions were inflamed and witnesses made their cases, but few votes were changed in a Minnesota Senate hearing about a constitutional amendment to define marriage.

The Senate Judiciary Committee on Tuesday failed to pass the amendment, which would limit marriage and its legal equivalent to one man and one woman.

For most issues at the Capitol such failure would mean the end. But for amendment advocates it simply means they will have to find another way to fight.

"We haven't heard the end of this issue," said Sen. Michele Bachmann, R-Stillwater and the chief amendment backer.

Both supporters and opponents anticipated the vote would come out as it did. Two years ago, the last time a Senate committee voted on the amendment, it also failed.

Despite the near-certain outcome, both sides brought their fiercest arguments before the committee. Both were allotted 45 minutes of testimony and 50 tickets to distribute to observers.

"Marriage litigation is coming to Minnesota," Chris Stoebel, of the Arizona-based Alliance Defense Fund, told senators. The proof is that a national group has challenged laws in other states, like Minnesota's 1997 statute, that define marriage as one man and one woman, he and others said. "It is only a matter of time and timing," he said.

The proposed constitutional amendment would protect the definition of marriage now in state law from judicial tinkering, advocates say. In the three years since the amendment has been offered, no lawsuit has been brought to overturn the definition of marriage, and state gay rights advocates say they know of no plans to bring one. But that doesn't offer any guarantee they won't come.

Amendment backers also argued that maintaining "traditional marriage" is best for children and a stable society.

"The right order of our society is in grave danger," said the Rev. Joseph Johnson, assistant chancellor of the Archdiocese of Minneapolis and St. Paul. "Humanity would cease to exist without this order."

But amendment opponents told the committee's nine senators the amendment would do nothing to maintain order in society. Gay people already have committed, stable, lifelong relationships, they just have them without the benefit of marriage, they said.

"If this constitutional amendment passes, it will do absolutely nothing to help any family in this state," said Ann DeGroot, executive director of OutFront Minnesota. "It does a great deal of harm to some of Minnesota's families."

Wally and Cathy Peck, of Bemidji, said the amendment would harm their family directly because their daughter is lesbian.

"These people are talking about our precious child, who came out of my body, and it hurts," said an emotional Cathy Peck. The Pecks held up their daughter's photo and asked others in the committee room to hold up photos of their gay children. About a half-dozen people stood up and displayed photos.



BEN GARVIN, Pioneer Press

Parents of gay or lesbian children hold up photos of their families during a Senate Judiciary Committee hearing at the Minnesota State Capitol Tuesday.

Former Minnesota Viking Esera Tuaolo, who publicly let people know he was gay three years ago, told senators of his love for his partner, their children and the Bible.

"I pray to you to please have mercy," Tuaolo said.

After the testimony, the committee, made up of five DFLers and four Republicans, voted to substitute an amendment offered by Sen. Tom Neuville, R-Northfield, for Bachmann's proposed amendment.

The alternative amendment, which Neuville called a compromise, would make the definition of marriage the exclusive purview of the Minnesota Legislature and take it out of the hands of the courts. Two years ago, Judiciary Committee Chairman Don Betzold, DFL-Fridley, offered that amendment.

On Tuesday, all the committee's Republicans plus Betzold voted for the substitution. Then all the committee's DFLers voted not to move the substitution on to the next committee.

Bachmann said the committee defeat would not stop her quest to get the marriage amendment on the 2006 ballot. The full House has already passed it.

Supporters could move to bring it or a similar amendment up for a full Senate floor vote. Similar efforts have failed in the past.

But controversial issues have become law in the past despite unfriendly committees. In 2003, the House amended the handgun permit bill and the Woman's Right to Know abortion bill onto Senate measures, which forced senators to vote upon them on the floor despite the lack of committee support. Both the gun and abortion measures became law.

Bachmann also pinned some hopes on using a different House measure as a vehicle to get the marriage amendment to the Senate floor. That House measure includes three constitutional amendments on one bill — one to dedicate funding to the environment; another to dedicate funding to transportation; and the marriage amendment.

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