

# Augmenting bans on same-sex marriage

## Some legislators looking to change state constitutions

By DAVID CRARY  
Associated Press

Despite laws on the books already barring marriage by homosexuals, legislators in at least eight states, including Kentucky, are pushing for new, more sweeping measures in hopes of preventing any ripple effect from laws and court rulings elsewhere.

In each case, lawmakers in states with existing Defense of Marriage acts seek to go a step further, amending their constitutions to specify that marriage must be heterosexual. State Rep. Bill Graves, a bill sponsor in Oklahoma, wants to stipulate that same-sex unions are "repugnant to the public policy" of the state.

In Kentucky, Rep. J.R. Gray, D-Benton, has filed a bill proposing a constitutional amendment that would define marriage as the union of a man and woman and would specifically prohibit same-sex marriages. Voters would have to approve the amendment if Gray's bill is passed by the legislature.

The bill has been sent to the House Elections, Constitutional Amendments and Intergovernmental Affairs Committee, which has taken no action on it.

Kentucky law already defines marriage as the union of a man and a woman, but adding the definition to the constitution would make it tougher to change.

Supporters say the constitutional amendments are necessary to ensure

that legislation and court judgments in other states — such as the recent ruling in favor of same-sex marriage by the Massachusetts Supreme Judicial Court — will not compel recognition of same-sex unions in their own states.

Gay-rights activists see the amendment campaign as vindictive and partisan.

"This is a political attack, motivated by fierce anti-gay opponents who want to slam us again and again," said Evan Wolfson, executive director of the national advocacy group Freedom to Marry. "They are not just looking to suppress gay marriage, but to deny gay people any measure of legal protection and human dignity."

In all, 37 states and the federal government have Defense of Marriage acts, which state that marriage can only be between a man and a woman.

Ohio might soon become the 38th state. Its Senate approved one of the most far-reaching bans on homosexual marriage in the nation Wednesday, making only minor changes to a House-passed version. Ohio's bill also would prohibit state employees from getting benefits for domestic partners, whether homosexual or heterosexual.

Constitutional amendments that would ban same-sex marriage have been introduced in Arizona, Georgia, Indiana, Oklahoma, Kentucky and Michigan, and one is expected soon in Alabama. An Idaho Republican, Rep. Henry Kulczyk, plans to introduce a similar measure there, to the dismay of some Democrats.

"We've got enough contention to deal with rather than going through a litmus test for the reactionary right," said Senate Minority Leader Clint Stennett.

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Massachusetts does not have a Defense of Marriage law, but the high court ruling there has sparked vociferous public debate and an amendment barring same-sex marriage has been proposed by its lawmakers as well.

In Virginia, the House of Delegates overwhelmingly approved a resolution yesterday urging Congress to support a federal constitutional amendment defining marriage as heterosexual. The resolution now goes to the Senate.

"We don't want to be left in the lurch where the measure we passed overwhelmingly several years ago is stricken down by the high court of this country," said the resolution's sponsor, Robert McConnell, referring to Virginia's existing Defense of Marriage law.

Georgia's proposed amendment, which could go on the November general election ballot, was presented Wednesday in the state Senate. Any change to traditional marriage "begins to tear at the foundations of our institu-

tions," said Senate Republican Leader Bill Stephens.

The American Friends Service Committee — a Quaker social justice group — this week joined the campaign against the proposed amendment in Michigan, urging people to e-mail their legislators. In Kentucky, about 30 gay-rights supporters rallied Wednesday at the state Capitol.

Two Kentucky legislators who oppose the amendment are sponsoring a proposal that would outlaw discrimination against homosexuals.

"There's no excuse why fairness cannot be passed," said Rep. Kathy Stein, D-Lexington. "Other than the fact that, unfortunately, a number of my colleagues ... are afraid to think about it."

Pending final resolution of the Massachusetts court ruling, no state allows full-fledged same-sex marriages. Vermont recognizes marriage-like civil unions, and California, Hawaii and New Jersey grant various rights to same-sex couples registered as domestic partners.

In his State of the Union speech Tuesday, President Bush indicated that he would support an amendment to the U.S. Constitution limiting marriage to a man and a woman. He suggested that this option would be needed only if "activist judges" overruled existing federal and state Defense of Marriage laws.

If Ohio enacts its law, 12 states would be without one: Massachusetts, Connecticut, Maryland, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Wisconsin and Wyoming.

Staff writer Deborah Yetter contributed to this story.