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## Debate over same-sex marriage spreading across country

By LESLEY STEDMAN WEIDENBENER  
stedman@courier-journal.com  
The Courier-Journal

The bitter debate over same-sex marriage that has flared among lawmakers in Kentucky and Indiana is preoccupying legislatures across the country — and likely will soon erupt in Congress as well.

Constitutional amendments to ban homosexual marriage have been filed in 22 state legislatures, and at least eight are debating the issue.

Moreover, Senate Majority Leader Bill Frist yesterday opened what promises to be a divisive fight on Capitol Hill by urging Congress to embrace a federal constitutional amendment

banning same-sex marriage.

"We will not let activist judges redefine — I would say radically redefine — what marriage is," the Tennessee Republican told a gathering of activists opposed to homosexual marriage.

Gay-rights supporters frame the issue as the nation's next great civil-rights battle.

"This is politics at its nastiest,"

said Cheryl Jacques, president of the Human Rights Campaign, which supports same-sex marriage.

And in Kentucky and Indiana, the issue has been particularly rancorous.

Republicans in both states have tried rarely used procedural moves to force debate on proposals that have been successfully

bottled up in committee by majority Democrats.

The disagreement in Indiana brought the House to a virtual standstill for the better part of last week, as Republicans boycotted the chamber and insisted on being allowed to have their say on the matter.

In Kentucky it triggered a bitter exchange between party lead-

ers in the House, which earlier this week passed and sent to the Senate a resolution urging Congress to send the states a constitutional amendment defining marriage as the union of a man and a woman.

The Massachusetts Supreme

See SAME-SEX,  
Page 4, col. 4, this section

# Same-sex marriage debate spreading across country

Continued from Page One

Judicial Court set much of the national debate in motion when it ruled last year that the state's defense of marriage law — which embraced the traditional definition of marriage — was unconstitutional. The court ordered legislation to allow same-sex couples to marry by May 17.

**AS THINGS** stand now, there are just 14 states in which lawmakers this year have not introduced legislation regarding same-sex marriage. Most of those proposals would restrict the rights of homosexual couples.

"There's been a real flurry of activity" across the country, said Christi Goodman, program manager at the National Conference of State Legislatures. "... The publicity from (the Massachusetts) case has brought it to everyone's attention."

Adding fuel to the fire, mayors in San Francisco and New York state began marrying same-sex couples in defiance of state laws last month. So far, about 3,500 couples have undergone such ceremonies.

In Georgia, where the issue is being debated, House Republican Leader Glenn Richardson said the public is demanding that something be done to preserve the traditional definition of marriage.

"We hear it loud and clear," he said. "I've heard more on this than any other single issue since I've been in office."

A constitutional ban on same-sex marriage, already passed by the Senate, failed by three votes in the Georgia House last Thursday. But House members voted Monday to reconsider the amendment — and proponents have already picked up at least two more votes.

If the measure passes the House, it would be placed on the November ballot for voters to decide.

**IN UTAH**, a similar amendment is making its way through the legislature as well.

"The painful, frustrating part of this is that they are ignoring the principles of a constitution, ignoring that equality belongs to all citizens regardless of what your belief system is," said Rep. Jackie Biskupski, the only openly gay lawmaker in the Utah legislature.

"But you also have to remember it's an election year," she said. "The constitutional amendments — like ours — will probably go on the ballot this year. They're trying to make this whole gay marriage thing be the issue of the year. We're just being used as a lightning-rod issue so the people aren't being informed about more critical issues that affect our daily lives."

So far four states have approved defense-of-marriage constitutional amendments; they have been defeated in two others. The arguments on both sides of the issue have varied little from place to place.

Proponents — typically Republicans, conservative Democrats and family and religious organizations — say the constitutional amendments are needed to ensure that judges don't overturn state laws defining marriage as the union of one man and one woman. They point to the court decision in Massachusetts as the kind of action they're trying to prevent.

They also voice concern that courts could try to force other states to recognize homosexual marriages performed in Massachusetts.

**OPPONENTS** — mostly Democrats — say that state laws against same-sex marriage suffice and that constitutional amendments should be used solely for the granting of rights, not for their exclusion. Civil libertarians and homosexual groups say that barring same-sex marriages is discriminatory.

"The last time I recall Southern legislatures rushing to amend their constitutions and pass a big raft of laws enshrining discrimination was when they hammered in the Jim Crow laws," said Georgia Rep. Nan Orrock of Atlanta, the House Democratic whip. "That's what this feels like to me: hate-filled, divisive. It will be the shame of these legislatures as history moves forward."

It's certainly been a divisive issue in Kentucky. To prevent a vote on a defense-of-marriage amendment in the

## GAY MARRIAGE AND THE STATES



SOURCE: STATELINE ORG., A PROJECT OF THE PEW CENTER ON THE STATES

- Prohibited by state law
- Prohibited by state constitution: (Nebraska and Nevada)
- No law: (Connecticut, New Mexico, New York, Oregon and Rhode Island)
- Law declared unconstitutional: (Massachusetts)
- Prohibited by state law, but provides benefits to or recognizes domestic partnerships: (California, Hawaii and Vermont)
- No law, but provides benefits to or recognizes domestic partnerships: (New Jersey)

BY STEVE DURBIN, THE COURIER-JOURNAL

### "They're trying to make this ... the issue of the year."

Utah Rep. Jackie Biskupski

House, Majority Leader Rocky Adkins, D-Sandy Hook, moved to have the bill withdrawn.

The incident triggered a bitter exchange between party leaders.

"It's a shame that Democratic leadership will not allow members to vote on this issue, to follow the rules and to represent the people in their districts," said Minority Leader Jeff Hoover, R-Jamestown.

But House Speaker Pro Tem Larry Clark, D-Okolona, said Republicans were playing politics.

Shouting into his microphone, Clark said Republicans have misrepresented votes on such controversial issues in campaigns against him.

"They call themselves Christians. Christians!" Clark said. "They want to lie during campaigns. And they go to church on Sunday and say: 'I love my brothers and my neighbors.'"

**IN INDIANA**, Republicans boycotted the chamber after House Speaker Pat Bauer, D-South Bend, refused to recognize them move to consider a constitutional amendment or even to let them speak about the issue.

House Minority Leader Brian Bosma, R-Indianapolis, declared a constitutional ban on same-sex marriage the most important thing lawmakers could do this session, which is scheduled to end today. Some 75 bills died during the boycott.

The conservative Family Research Council, a national group that opposes homosexual marriage, entered the fray by publishing a full-page ad in the South Bend Tribune, Bauer's hometown paper, asking constituents to call him to demand that he allow the proposed amendment to be considered.

That has led Bauer to claim that Indiana Republican leaders have had a "very narrow political agenda thrust upon them" by the national GOP and conservative activists.

That's a common charge nationally. Both sides say the other has been manipulated by national organizations or a national movement.

Bosma said the same-sex marriage agenda is being forced upon states by "the radical left." He said national orga-

nizations are looking for states where they can file lawsuits and have the courts force states to recognize same-sex unions.

"Traditional marriage is under attack in Indiana and across the country," he said.

The Indiana Court of Appeals is considering a suit filed by the Indiana Civil Liberties Union and homosexuals who are seeking the right to marry. A trial court dismissed the suit, citing the state's law defining marriage as the union of a man and a woman, but the group appealed.

**CHARLOTTE AND** Dawn Egler of Indianapolis are two of the plaintiffs. They were married in Canada and have a same-sex union under Vermont law, though that means nothing in Indiana.

"I was totally surprised by the fact that our case has become a catalyst for the House simply not meeting for a week," said Charlotte Egler. "They're not getting anything done. I think it's outrageous. It's amazing how much things have regressed across the country in the past year."

Matt Foreman, executive director of the National Gay & Lesbian Task Force, said the proposed constitutional amendments before state legislatures "are part of a national effort to use gay people and our relationships as a wedge issue in both state and federal races."

He said conservative activists are using recent court decisions and even television shows with homosexual characters to "create an air of hysteria" that may backfire.

"They're divisive, they're very partisan, and at least to us and to many people, it feels un-American," Foreman said. "You see all these states struggling with budget deficits, struggling with Medicare and Medicaid funding. These are critical, critical issues and they've trotted out this (gay marriage) as a very important issue."

But Bill Murray, media director of the Family Research Council, said there's "no grand scheme."

"We're not the ones picking certain states," he said. "These debates already are happening in those states, and we're putting our resources around that."

**IN KENTUCKY**, Hoover said his caucus is acting on its own and not following any directions from national party officials or the state's top Republican, U.S. Sen. Mitch McConnell.

"Quite frankly, we filed the discharge petition (last) week," Hoover said. "It wasn't until later that day that we heard on the news that President Bush had that day come out in support of a constitutional amendment."

Staff writer Tom Loftus and The Associated Press contributed to this story.