

BROWNBACK POINTS TO NEED FOR FEDERAL MARRIAGE AMENDMENT

Nebraska decision reinforces importance of Constitutional amendment

WASHINGTON – U.S. Senator Sam Brownback today reiterated the need for a Federal Marriage Amendment in light of the recent Nebraska federal court decision striking down the state-passed marriage protection amendment.

“This past Tuesday marked the one-year anniversary of the Massachusetts Supreme Court decision in which the court discovered, after 225 years, a fundamental right to same-sex marriage in the Massachusetts Constitution,” Brownback said. “That decision suggested there was an evolving paradigm with respect to marriage, and insisted that the state had no rational interest in either restricting the definition of marriage to heterosexual couples or in promoting unions specifically among those couples.

“At the time, many opponents of a Marriage Protection Amendment to the U.S. Constitution insisted that the ruling of the Massachusetts court posed no threat to state marriage laws around the rest of the nation. Those who pointed out that the logic of the court’s decision would be used to undermine laws protecting traditional marriage in other states, as well as the Defense of Marriage Act passed by Congress and signed by President Clinton in 1996, were accused of fear-mongering tactics. No federal court, we were assured, had ever struck down a state marriage law; therefore, a Marriage Protection Amendment was entirely unnecessary.

“That assurance rings hollow today. Just last week, a federal court in Nebraska struck down that state’s popularly-enacted constitutional amendment designed to protect traditional marriage. The Nebraska amendment passed in 2000 with a 70 percent majority vote. Now, for the first time, a federal court took this matter out of the hands of the people, explicitly rejecting the popular will. In fact, some scholars believe the logic of the Nebraska decision, if upheld, would have the effect of imposing same-sex marriage on the entire country. Every state would be required to recognize same-sex marriage.

“Ironically, the court relied on reasoning quite similar to the Massachusetts decision: that the state has no rational basis in restricting marriage to a man and a woman, so the only possible basis for doing so must be irrational prejudice. The judge overlooked the obvious state interest in the form of lots of sociological data showing that children are better off with a mother and a father.

“The Nebraska decision is Exhibit A of why we need a Constitutional Amendment to protect marriage, and to protect the people’s right to define the institution of marriage. It’s clear the courts are moving in the direction of mandating same-sex marriage for every state, regardless of state amendments passed by large majorities and regardless of the Defense of Marriage Act.”