

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman William Mason at 1:30 p.m. on February 11, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Bonnie Huy- excused
Representative John Edmonds- excused

Committee staff present:

Russell Mills, Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Dennis Hodgins, Legislative Research Department
Rose Marie Glatt, Secretary

Conferees appearing before the committee:

PROponents:

Representative Kathe Decker, Clay Center, KS
Representative Janice L Pauls, District 102, Hutchinson, KS
Cecil Washington, Pastor of New Beginnings Baptist Church, Topeka, KS
David Paige, Private Citizen, McPherson, Kansas
Judy Smith, Director Kansas Concerned Women of America
Kurt Nystrom, Attorney at Law
Fred Phelps, Sr., Private Citizen, Topeka
Terry Yancey, Superintendent, Kansas Assemblies of God
Sue Jernigan, Private Citizen, Topeka
Carrie Quinn, Private Citizen
Dr. Walter Schumm, Private Citizen, Lawrence
Briana Olds, Private Citizen, Manhattan
Bob Hanson, KS/NB Souther Baptist Convention
Pat Bullock, Director of Association Missions, Kansas Southern Baptist Association
Quinton Martin, Private Citizen, Topeka
*written testimony
*Mike Farmer, Executive Director, KS Catholic Conference
*Hal Smith, Private Citizen, Topeka
*Doug Robinson, Private Citizen, Lawrence

OPponents:

J.L. Cleland, Private Citizen, Hoyt, KS
Forrest Swall, Private Citizen, Lawrence

Others attending:

See Attached List.

HCR 5033 - Constitutional amendment: state recognizes only marriage between a man and a women

Representative Kathe Decker, Clay Center, KS, a prime sponsor of the bill, stated that by placing this issue before the voters of Kansas, and having it become a part of our state Constitution we can avoid having a court battle in days to come (Attachment 1).

Representative Janice L. Pauls, Hutchinson, KS, a prime sponsor of the bill, spoke in support of **HCR 5033** (Attachment 2). She suggested a different explanatory statement for the amendment as follows:

"Explanatory statement, There is currently no constitutional provision regarding the marriage relationship.

"A vote for this proposition would provide in the constitution that marriage is a civil contract between a man and a woman and that all other marriages are void."

CONTINUATION SHEET

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE at 1:30 p.m. on February 11, 2004 in Room 313-S of the Capitol.

“A vote against this preposition would allow the legislature to determine by statute what types of marriage relationships are recognized in Kansas as valid, whether such marriages are entered into in Kansas or another state.”

To address the question of same-sex relations in the resolution, she recommended an addition of a second paragraph which would state:

(b) A same sex relationship shall not be recognized by the state as being entitled to the benefits of marriage.

If that paragraph (b) was added, the explanatory statement for the amendment would remain the same as above, and that amendment follows:

“A vote against this proposition would allow the legislature to determine by statute what types of marriage relationships or same sex relationships are recognized in Kansas as valid, whether such marriages or relationship are entered into in Kansas or another state.”

The proposal for a constitutional amendment is to raise this traditional definition of marriage to a constitutional level and once this is in the Kansas constitution, the recognition of same-sex marriage as a valid marriage in Kansas, would never be constitutional in Kansas courts.

Representative Decker and Representative Pauls responded to questions regarding notification to conferees about recommended changes; general rule of law; questionable need for a resolution due to existing laws; and constitutional amendment's influence over legislators.

Cecil Washington, Pastor of New Beginnings Baptist Church, cited three ways in which the traditional idea of marriage is being undermined; divorce, sexual revolution and the fundamental definition of marriage being challenged ([Attachment 3](#)). According to social sciences, the benefits of a traditional marriage are that participants are happier, healthier and more prosperous than people in other types of households. He quoted and discussed Biblical scripture regarding the original intent and design of marriage.

David Paige, Private Citizen, stated that the resolution is an effort to preserve the sanctity of marriage. He referred to existing law describing marriage, and added that statutes are subject to judicial scrutiny, and with the growing climate in America, the necessity for Kansans to act is becoming urgent. He urged the Legislators to pass **HCR 5033** which protects the sanctity of marriage, and would place this issue on this year's ballot so that the people may decide ([no written testimony](#)).

Judy Smith, Director Kansas Concerned Women of America, rose in support of **HCR 5033**. She stated that sanctioning groupings of people who desire to call themselves “married” changes the institution of marriage itself, and lessens its benefits to society ([Attachment 4](#)).

Kurt Nystrom, Attorney of Law, pointed out that marriage pre-dates the law. He quoted Biblical scripture and Kansas law to support traditional marriage and urged the Committee to pass the resolution ([No written testimony](#)).

Fred Phelps, Sr., Private Citizen, stated that same-sex marriage is the ultimate smash-mouth, in-your-face insult to God Almighty in that it blasphemously desecrates the holiest of Bible metaphors: Christ and His Bride the church ([Attachment 5](#)).

Terry Yancey, Superintendent, Kansas Assemblies of God, stated that **HCR 5033** would establish boundaries in which citizens can live and be productive. By articulating the definition of marriage it would accomplish four goals: validate the natural order that God created, validate a foundational concept upon which our society rests, validate the psychological reality that both fatherhood and motherhood are necessary components in the rearing process of children, and create a clear line of social expectation ([Attachment 6](#)).

CONTINUATION SHEET

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE at 1:30 p.m. on February 11, 2004 in Room 313-S of the Capitol.

Sue Jernigan, Private Citizen, testified as a mother of four, two of which are in the alternative lifestyle . She stated a contributing factor was that as a single mother, there was no father figure, to help formulate their view of traditional marriage. She explained that there is a ministry in Topeka, "Oaks of Righteousness" that is for men and women who have loved ones in the lifestyle (Attachment 7)

Carrie Quinn, Private Citizen, stated that she was a reformed lesbian, and testified that same-sex marriage would cause a blight on society and is against what the founding fathers envisioned in the Constitution (No written testimony).

Dr. Walter Schumm, provided testimony in support of HCR 5033 (Attachment 8). He stated that a variety of arguments for or against gay marriage have been developed from religious or public health theories and he provided four resulting implications. His testimony included his background information and copies of his recent publications, published in the *Journal of Psychology and Theology 2003* and *Psychological Reports, 2004*.

Brianna Olds, Manhattan, urged the Committee to advance the bill to the full House for consideration to amend the Kansas Constitution to make it very clear that marriage, as defined by Webster's is a union between a man and a woman. She urged the Committee to not confuse this sacred institution that has served Kansas so well (Attachment 9).

Bob Hanson, KS/NB Southern Baptist Convention, stated that the churches of the Kansas Nebraska Convention of Southern Baptists passed resolutions during the October 2003 annual meetings which are in support of the effort to amend the Constitution of the State of Kansas to protect traditional marriage (Attachment 10). To redefine marriage is to redefine the foundation God had established for human culture.

Pat Bullock, Director of Association Missions, Kansas Southern Baptist Association, stated that as a Baptist pastor, Christian and U.S.A. citizen, he would fight for the right of every citizen to believe what he or she wants, however, when their belief and actions are forced upon society in such a manner that it destroys the foundation upon which America was built he must speak out for what will reinforce the values of this great nation (Attachment 11). He urged the Committee to pass the resolution so it can be presented to Kansans so their voice can be heard.

Quinton Martin, Private Citizen, Topeka, KS rose in support of HCR 5033 (Attachment 12). He stated that as a black American he took issue with rating homosexuality as being equal to other protected classes that are recognized in society. America defined a minority group by three qualifications: history of discrimination, being a group unable to help themselves and their immutable status. Homosexuality is not deserving of a protected class.

It was noted that the following written testimony regarding HCR 5033 was distributed: Mike Farmer, Executive Director of the Kansas Conference (Attachment 13), Hal Smith, Private Citizen, Topeka (Attachment 14) and Doug Robinson, Private Citizen, Lawrence (Attachment 15).

Representative Freeborn questioned whether R.L. Baynham, President, Kansas National Baptist, USA, Inc., who was slated to testify, had submitted testimony. As there was no written she commented that she was extremely disappointed that the Kansas Baptist, USA did not make a presentation and requested her comment be recorded.

OPPONENTS:

J.L. Cleland, Private Citizen, Hoyt, KS testified that by limiting marriage to a union between one man and one woman the benefits that should be allowed to committed couples are being denied, i.e., the right to hospital visitations, survivor benefits, inheritance, and child custody (Attachment 16). He recommended they amend section 1, paragraph 16 of HCR 5033 to state the Marriage Contract is to be considered a Religious Contract; then strike the remainder of paragraph 16 which specifically denies the civil rights of thousands of gay and lesbian Kansans who presently live or wish to live in committed, loving, long-term relationships.

CONTINUATION SHEET

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE at 1:30 p.m. on February 11, 2004 in Room 313-S of the Capitol.

Forrest Swall, Private Citizen, Lawrence, testified that **HCR 5033** sends a clear message that everyone is not entitled to the “equal rights” protection guaranteed by our state constitution and the constitution of the U.S., and further, that certain people would go to great lengths to further condemn and deny certain citizens any hope of securing equality in our society (Attachment 17). He spoke about experiences of one of his children, who is in an alternative lifestyles and his membership in the Lawrence-Topeka chapter of PFLAG, (Parents, Families, and Friends of people who are lesbian, gay, bisexual and transgendered).

Discussion followed regarding the use of the word “hate” and its inappropriateness when used if people disagree on any issue; the benefits of allowing the people of Kansas to vote on the issue; and needed protection for those in the alternative lifestyle to rights currently being denied.

The hearing was closed on **HCR 5033**. The meeting adjourned at 3:10 p.m. The next meeting is February 12, 2004.

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COMMITTEE ASSIGNMENTS
CHAIR: EDUCATION
MEMBER: EDUCATION BUDGET

HCR 5033 Testimony

Thank you Mr. Chairman and committee members for allowing me to appear before you today in support of HCR5033.

HCR5033 is a proposed amendment to the constitution of Kansas stating marriage is between one man and one woman. Some people do not believe we need to have this defined clearly in our constitution because it is covered in K.S.A.23-101. A copy is attached. Other states have also had statutes defining marriage in a similar manner and when challenged in court have been found to be lacking in protecting marriage as we have always known it.

Marriage as defined in this proposal has been a part of history before we had a government or a constitution. It is my hope that by placing this issue before the voters of Kansas and having it become a part of our state Constitution we can avoid having a court battle in days to come.

Rep. Kathe Decker
64th District

A handwritten signature in cursive script that reads "Kathe Decker".

Chapter 23.—DOMESTIC RELATIONS

Articles

1. MARRIAGE. 23-101 to 23-132.
2. MARRIED PERSONS. 23-201 to 23-208.
3. PREMARITAL EXAMINATIONS AND TESTS. 23-301 to 23-310 (NOT IN ACTIVE USE).
4. ENFORCEMENT OF SUPPORT. 23-401 to 23-4,147.
5. FAMILY PLANNING CENTERS. 23-501, 23-502.
6. MEDIATION OF DOMESTIC DISPUTES. 23-601 to 23-607.
7. ENFORCEMENT OF VISITATION RIGHTS. 23-701.
8. UNIFORM PREMARITAL AGREEMENT ACT. 23-801 to 23-811.
9. UNIFORM INTERSTATE FAMILY SUPPORT ACT. 23-9,101 to 23-9,903.

Article 1.—MARRIAGE

Cross References to Related Sections:

Protection from abuse act, see 60-3101 et seq.

23-101. Nature of marriage relation.

The marriage contract is to be considered in law as a civil contract between two parties who are of opposite sex, to which the consent of the parties is essential; and the marriage ceremony may be regarded either as a civil ceremony or as a religious sacrament, but the marriage relation shall only be entered into, maintained or abrogated as provided by law.

History: L. 1867, ch. 84, § 1; G.S. 1868, ch. 61, § 1; R.S. 1923, 23-101; L. 1980, ch. 106, § 1; July 1.

Research and Practice Aids:

Marriage ⇐ 1.

C.J.S. Marriage §§ 1, 5.

Definition and nature of marriage, Kansas Probate Law and Practice, § 1752.

Law Review and Bar Journal References:

"Incompatibility: A 'New' Approach to the Dissolution of Marriage," R. E. Schulman, 20 K.L.R. 227 (1971).

"Is He or Isn't She? Transsexualism: Legal Impediments to Integrate a Product of Medical Definition and Technology," Jeannine S. Haag and Tami L. Sullinger, 21 W.L.J. 342, 348 (1982).

Attorney General's Opinions:

Marriage; performance of ceremony using a proxy. 80-261.

General provisions; use of home rule power to require premarital blood tests. 81-286.

CASE ANNOTATIONS

1. Effect of marriage within six months after divorce decree entered. Conn v. Conn, 2 K.A. 419, 42 P. 1006.

2. Marriage with insane person is absolutely void. Powell v. Powell, 18 K. 371, 379.

3. Admission of defendant, cohabitation and repute; evidence of former marriage. The State v. Hughes, 35 K. 626, 12 P. 28.

4. Common-law marriage sustained; parties punished for disregarding statute. The State v. Walker, 36 K. 297, 13 P. 279.

5. Minor capable of entering into marriage contract. Browning v. Browning, 89 K. 98, 99, 130 P. 852.

6. Marriage contract considered civil with reference to duties of parties. Putnam v. Putnam, 104 K. 47, 52, 177 P. 838.

7. Discussed in holding common-law marriage valid even though 23-118 violated. Smith v. Smith, 161 K. 1, 3, 165 P.2d 593.

8. Evidence insufficient to establish common-law marriage in divorce action. Whetstone v. Whetstone, 178 K. 595, 596, 290 P.2d 1022.

9. Cited in holding one spouse may not sue the other for torts occurring during marriage. Guffy v. Guffy, 230 K. 89, 95, 631 P.2d 646 (1982).

10. Cited; 21-4003 (denial of civil rights) held not to apply to minister's refusal to perform wedding ceremony. State v. Barclay, 238 K. 148, 150, 153, 708 P.2d 972 (1985).

11. Cited; marriage considered; "non-marriage" implied by construction of information; minimum age considered. State v. Wade, 244 K. 136, 766 P.2d 811 (1989).

23-102. Incestuous marriages void. All marriages between parents and children, including grandparents and grandchildren of any degree, between brothers and sisters of the one half as well as the whole blood, and between uncles and nieces, aunts and nephews, and first cousins, are declared to be incestuous and absolutely void.

History: L. 1867, ch. 84, § 2; G.S. 1868, ch. 61, § 2; R.S. 1923, 23-102; L. 1985, ch. 114, § 21; July 1.

Research and Practice Aids:

Incest ⇐ 5.

C.J.S. Incest § 3.

What marriages prohibited, Kansas Probate Law and Practice § 1756.

(b) A same sex relationship shall not be recognized by the state as being entitled to the benefits of marriage.

If that paragraph (b) was added the explanatory statement for the amendment would read as follows.

“Explanatory statement, There is currently no constitutional provision regarding the marriage relationship.”

“A vote for this proposition would provide in the constitution that marriage is a civil contract between a man and a woman and that all other marriages are void.”

“A vote against this proposition would allow the legislature to determine by statute what types of marriage relationships or same sex relationships are recognized in Kansas as valid, whether such marriages or relationships are entered into in Kansas or another state.”

Kansas amended our laws KSA 23-101 and KSA 23-115 in 1996 to clarify that in Kansas the only valid marriage is between two parties of the opposite sex. The reason this proposal for a constitutional amendment is before you today is to raise this traditional definition of marriage to a constitutional level. Obviously, once this is in our Kansas constitution, the recognition of same-sex marriage as a valid marriage in Kansas would never be constitutional in our courts. Similar amendments have been passed by other states such as Nebraska.

I would be glad to stand for questions.

Thank for your attention.

Respectfully submitted,



Rep. Janice L. Pauls
District 102

JLP/cjc



TOPEKA

HOUSE OF
REPRESENTATIVES

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**Testimony before the
Federal and State Affairs Committee
Regarding
House Concurrent Resolution 5033
on
February 11, 2004**

Chairman Mason, Vice Chairman Williams, Ranking Minority Rick Rehorn, and Members of the Committee.

Thank you for the opportunity to testify before you today on House Concurrent Resolution 5033. That amendment would place into our Kansas Constitution the present law in Kansas regarding marriage, which provides that in Kansas, marriage is between one man and one woman. All other marriages are declared to be contrary to the public policy of Kansas and are void. If this resolution is passed by a vote of 84 in the House and 27 in the Senate the question will go on the November ballot for a vote by the citizens of Kansas. This provision if passed, would be placed in Article 15 of the Constitution which contains miscellaneous provisions.

This resolution was introduced as a committee bill by this committee. When it was introduced this proposal was a bit different than I would have proposed. I would suggest a different explanatory statement for the amendment as follows:

“Explanatory statement, There is currently no constitutional provision regarding the marriage relationship.”

“A vote for this proposition would provide in the constitution that marriage is a civil contract between a man and a woman and that all other marriages are void.”

“A vote against this proposition would allow the legislature to determine by statute what types of marriage relationships are recognized in Kansas as valid, whether such marriages are entered into in Kansas or another state.”

I believe the question of same-sex relations should also be addressed in this resolution, with an addition of a second paragraph which would state:



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23-101

Chapter 23.--DOMESTIC RELATIONS Article 1.--MARRIAGE

23-101. Nature of marriage relation. (a) The marriage contract is to be considered in law as a civil contract between two parties who are of opposite sex. All other marriages are declared to be contrary to the public policy of this state and are void. The consent of the parties is essential. The marriage ceremony may be regarded either as a civil ceremony or as a religious sacrament, but the marriage relation shall only be entered into, maintained or abrogated as provided by law.

(b) The state of Kansas shall not recognize a common-law marriage contract if either party to the marriage contract is under 18 years of age.

History: L. 1867, ch. 84, § 1; G.S. 1868, ch. 61, § 1; R.S. 1923, 23-101; L. 1980, ch. 106, § 1; L. 1996, ch. 142, § 1; L. 2002, ch. 143, § 1; July 1.

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23-115

Chapter 23.--DOMESTIC RELATIONS Article 1.--MARRIAGE

23-115. Validity of marriages contracted without state. All marriages contracted without this state, which would be valid by the laws of the country in which the same were contracted, shall be valid in all courts and places in this state. It is the strong public policy of this state only to recognize as valid marriages from other states that are between a man and a woman.

History: L. 1867, ch. 84, § 9; G.S. 1868, ch. 61, § 9; R.S. 1923, 23-115; L. 1996, ch. 142, § 3; July 1.

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"Marriage - A Treasure Worth Preserving"

Cecil T. Washington Jr., 2-11-04
Pastor, The New Beginning Baptist Church
Topeka KS

Marriage is in trouble in our country.

The traditional idea that marriage is a lifelong commitment is being undermined in primarily three ways.

- 1. First, by the divorce revolution. Today, nearly half of all marriages end in divorce.
- 2. Second, by the sexual revolution. The traditional idea that marriage is the only appropriate context for sexual relations has been undermined by premarital sex, cohabitation, promiscuity, and infidelity. The traditional boundaries for sexual expressions have been stretched, and are being stretched (as we recently saw during the Super Bowl half time) to the breaking point, to where those boundaries hardly even exist.
- 3. Thirdly, The most fundamental definition of marriage itself--as the union of one man and one woman--is being challenged—not just by homosexuals, wanting the same rights as same sex couples, but now we hear of polygamists and others pushing for those rights.

Meanwhile, the social sciences say they have a growing body of evidence that marriage, as we've traditionally known it, has significant benefits for husbands, wives, and their children. Families headed by married husbands and wives are:

- happier
- healthier
- and more prosperous than people in other types of households.

The need for us to protect the institution of marriage is due to the fact that it is gradually being deconstructed, redefined, and simply rendered irrelevant.

I want to begin with a brief look at the original intent and design for marriage and say that anything other than what was originally arranged is deranged.

I. Intent and Design What is Marriage For?

The oldest record we have concerning the original intent and design for marriage is the Bible. The record reveals that God instituted it. Seven verses give us the account. Genesis 2:18-24: The passage opens with the Creator stating the need that man had, and what HE intended to do about it.

In vs 18, The LORD God said, "It is not good for the man to be alone. I will make a helper suitable for him." Then, to set the stage for providing this help mate, God gives Adam an

assignment, which will help him to see his need like God saw it. God has him name all the animals.

The next two verses say....

19 Now the LORD God had formed out of the ground all the beasts of the field and all the birds of the air. He brought them to the man to see what he would name them; and whatever the man called each living creature, that was its name.

20 So the man [Adam] gave names to all the livestock, the birds of the air and all the beasts of the field. But for Adam no suitable helper was found.

This picture of creation has Adam looking at all these animals and naming them... Bull...Heifer, Stag...Mare, Rooster...Hen, Goose...Gander, Ram...Ewe, Buck...Doe.

As he names them, Adam finds that every male had a female as his help mate. But for Adam no suitable helper was found. Adam can now see more clearly what he needed. Like these that he's named, he needs a mate of the opposite sex.

Once Adam clearly sees what his need is, he's in a better position to appreciate it. The next two verses give us the account. (Gen 10:18-24)

21 So the LORD God caused the man to fall into a deep sleep; and while he was sleeping, he took one of the man's ribs and closed up the place with flesh.

22 Then the LORD God made a woman from the rib he had taken out of the man, and he brought her to the man.

Excited over seeing his need met, Adam exclaims...

23 "This is now bone of my bones and flesh of my flesh; she shall be called 'woman,' for she was taken out of man."

God then gives the conclusion of the matter.

24 [Therefore] For this reason [for following this design and intent] a man will leave his [male] father and [female] mother and be united to his [female] wife, and they [male & female] will become one flesh [one]. (NIV)

There was no suitable mate for Adam, found among the animals. As with the animals, the suitable mate had to be

- Of the same species / kind .. a human.
- Yet the suitable mate had to be different in gender.

The human race is incomplete without both male and female.

According to The Biblical record, sexual intimacy belongs only within the marital relationship of the male and female. And the clear example of Jesus is what we should follow. He offered caring ministry, and words of solace to struggling people, while differentiating His love for sinners from his clear teaching about sinful practices.

Lastly...

Are we moving toward the day when preaching the Bible's message will be outlawed... or considered hate speech.

Pastor Chuck Baldwin said "WHEN PREACHING THE BIBLE IS OUTLAWED, I'LL BE AN OUTLAW."



February 11, 2004

Members of the House Federal and State Affairs Committee:

My name is Judy Smith and I am State Director of Concerned Women for America of Kansas. CWA is a public policy women's organization whose core concerns deal with the preservation of families. We know that a stable and loving marriage and family is the best way to protect and provide for women and children.

What we consider our treasure we defend. Just as the Queen of England deposits the crown jewels in the tower of London, we too must protect the "treasure" of marriage because it produces our legacy...children. Some have said that this is a non-issue, but CWA of Kansas disagrees. Marriage is an institution that has survived millennia for a good reason. Society will suffer if the definition of marriage is changed to include other groupings of people besides one man and one woman. Marriage as an institution serves as an incubator for procreation and stability. Those who say marriage is not under attack failed to see a recent headline in the *Kansas City Star* that indicated that the decisions of the Massachusetts Supreme Court "paved the way" for new definitions of marriage, including I assume, *any grouping of people* who want to call themselves married. The article implied that because four judges in Massachusetts co-opted the lawmaking process all states might have to comply. I did not realize that the Massachusetts judiciary was governing Kansas now, but it appears that their decision could have serious ramifications for us under the "full faith and credit" clause of the U.S. Constitution. It is essential that the Legislature of Kansas take steps to ensure that this does not happen.

Sanctioning groupings of people who desire to call themselves "married" changes the institution itself, and, in turn, lessens its benefits to society. Countries that have adopted an "anything goes" mentality concerning marriage are finding themselves in a culture that does not revere marriage and in fact most don't even bother to get married anymore. The result is that the "treasure" of marriage has been devalued.

Marriage is already being weakened by no-fault divorce, unfaithfulness, and other de-stabilizing factors. Single-parent families are, unfortunately, too common. Therefore, by sanctioning non-marital unions, we would simply be compounding the problems.

HS Federal & State Affairs
February 11, 2004
Attachment 4

In addition, those whose well-meaning intentions made welfare an answer to poverty did not realize that families would be decimated by the welfare system; that women would raise their children without fathers because they got more assistance, that men would not feel responsible for the children they father; that scores of children would be left without daddies and the important bonding that children need more than food and clothing. Experts began to realize that the family is an important piece of the puzzle and began to promote the idea that marriages should be strengthened and encouraged by the government to promote the public welfare.

As you have the privilege of pondering **HCR 5033**, we ask you to also consider what made this state the great place it is. A man and a woman who pledged a covenant to each other under the auspices of God and the state packed up their belongings, their children and their hopes making an agonizing trek across the state to new homes. These settlers persevered through times of plenty and in times of want and sorrow because of what marriage is...a solemn, binding covenant between a man and a woman that would produce children to carry on that hope and the family name.

No matter how sympathetic you might be toward a group of people who want to claim the privilege of calling themselves married, you must not falter in protecting this vital institution.

HCR 5033 is not about banning rights; it is about protecting a mutually beneficial privilege that has made our country strong. We urge you to pass this amendment. Thank you.

Concerned Women for America of Kansas
P.O. Box 11233 Shawnee Mission, KS 66207
913-491-1380
Judy Smith, State Director

**Before the Committee on Federal and State Affairs
of the
Kansas House of Representatives**

Testimony of Fred W. Phelps

February 11, 2004

I am Fred Phelps, pastor of Westboro Baptist Church of Topeka. It is a privilege to appear before this distinguished Committee in support of House Concurrent Resolution No. 5033 mandating by a constitutional amendment that marriage shall be only between one man and one woman.*

The amendment is necessary to negate the possibility of Kansas judges aping Massachusetts judges who recently established same-sex marriage by judicial fiat -- and to thwart the impact of the Massachusetts folly on Kansas via the Full Faith and Credit clause of Article IV, Sec. 1 of the U.S. Constitution.

Same-sex marriage is the ultimate smash-mouth, in-your-face insult to God Almighty in that it blasphemously desecrates the holiest of Bible metaphors: Christ and His Bride the Church. Eph. 5:31-32; Rev. 19:7-9.

Same-sex marriage defies the law of nature and nature's God, with deadlier -- though sometimes delayed, but even more certain -- repercussions than defying the law of gravity at thirty thousand feet.

The institution of marriage was established by a seminal prerogative act of a sovereign Creator:

"Have ye not read, that he which made them at the beginning made them male and female, And said...**they twain** shall be one flesh." Mat. 19:4-5. Sovereign exclusivity. **They -- and only they.** Excluding every other sexual coupling than one particular faithful mature male with one particular faithful mature female. **Twain -- and only twain.** Excluding polygamy. Every other sexual arrangement can never be "one flesh," but is "strange flesh" -- which brought doom to ancient Sodom. Jude 7.

"Because the Lord hath been witness between thee and the wife of thy youth, against whom thou hast dealt treacherously; yet is she thy companion, and the wife of thy covenant. And did not he make one? Yet had he the residue of the spirit. And wherefore one? That he might seek a godly seed." Mal. 2:14-15. Ancient rabbinical as well as Christian commentaries interpret the enigmatic sentence -- "Yet had he the residue of the spirit." -- to mean that God could have created two males, two females (same-sex marriage), one male and five females (polygamy), one female and five males (polyandry), and could have decreed any one of those arrangements to be "marriage." Hence the great evil of tampering with (dealing treacherously with) the "godly seed (or offspring)" arrangement of one man and the one and only wife of his youth. One man, one woman, one lifetime.

"Shall the throne (government) of iniquity have fellowship with thee, which frameth mischief by a law?" Psa. 94:20. Massachusetts has framed mischief by a heinous, judicially-crafted law. This proposed constitutional amendment will distance Kansas from that Massachusetts mischief. Thank you.

* In light of the attached AP story yesterday -- (they let you marry dead people in France), -- maybe the amendment should say "one **living** man and one **living** woman."



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Bride and widow in single ceremony

NICE, France (AP) —Dressed in a demure black suit, a 35-year-old Frenchwoman has married her dead boyfriend, an exchange of vows that required authorization from President Jacques Chirac.

Under French law, Christelle Demichel became both bride and widow in the ceremony, which was performed Tuesday at Nice City Hall on the French Riviera.

The groom, a former policeman identified as Eric, was killed by a drunk driver in September 2002.

Demichel told LCI television she understood "it could seem shocking to marry someone who is dead," but her feelings for him had not dimmed. His body was not present for the ceremony.

Such marriages are legal if the living spouse can prove the couple had intended to marry before the other died. The French president must also authorize it.

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Find this article at:

<http://www.cnn.com/2004/WORLD/europe/02/10/france.marriage.ap/index.html>

Check the box to include the list of links referenced in the article.

I am Terry Yancey and serve as superintendent for the 148 Assemblies of God churches in Kansas. It is an honor to address you today regarding House Concurrent Resolution No. 5033 and urge you to take bold, preemptive action to define and support the institution of marriage as a civil union between a man and a woman.

Civilized societies have long understood the necessity of guidelines and fair laws for governing themselves. In the United States, those laws should and must reflect the will of the people. The recent Supreme Court rulings in Massachusetts concerning same sex marriages compel us to consider our state constitution and to evaluate carefully our collective values and take steps to protect them.

Throughout history, "marriage" came in multiple forms. The most common form of marriage in the USA is the traditional "one man and one woman." There was a time when polygamy was an expression of marriage. However, this nation rejected such a practice and did not recognize that choice as an acceptable form of marriage, even though it was between consenting adults.

House Concurrent Resolution No. 5033 will function as any other constitutional guideline. It will establish boundaries in which our citizens can live and be productive. By articulating our definition of marriage as a recognized civil contract between one man and one woman, we will accomplish several positive and worthy goals.

1. We will validate the natural order that God created concerning the physical, sexual union of the human species.
2. We will validate a foundational concept upon which our society rests, which is the mutual commitment of adults to mingle their lives officially, sexually and legally thereby promoting stability for children, grandchildren and our culture.

3. We will validate the non-negotiable psychological reality that both fatherhood and motherhood are necessary components in the rearing process of children.
4. We will not be hampering personal choice or the rights of any citizen regarding their private behaviors related to sexual orientation or expression. We will simply be drawing a clear line of societal expectation.

. The Assemblies of God have strong convictions about right and wrong but the motivation for involvement in this issue is not political or about homophobic hatred or a desire to force a religious standard upon other citizens. Our concerns and actions are unashamedly founded on the truth that the Lord of Heaven and earth is compassionate and kind, slow to become angry and desirous that all sinners – heterosexual and homosexual – come to Him through His Son, Jesus Christ and find purpose and true peace.

Whenever a society ignores God's natural order, it will suffer the consequences of its own choices. Therefore, it behooves the people of Kansas to establish constitutional strength that will respect God's standards for the institution He ordained, which is marriage between a man and a woman. Please embrace and promote this needed amendment. Thank you.

Respectfully submitted

Terry L. Yancey, Superintendent,

CAIR PARAVEL ~ LATIN SCHOOL

DOMINUS ILLUMINATIO MEA

February 11, 2004

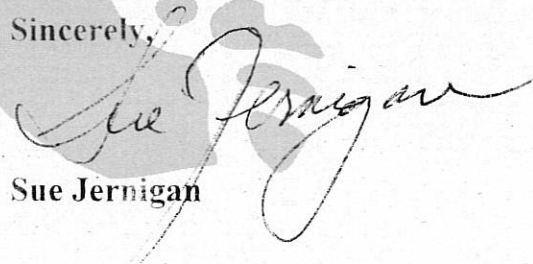
Statehouse Room 313 S.
Resolution #5033 as introduced by K. Decker and J. Pauls

Dear Mr. Chairman and Committee members,

My name is Sue Jernigan. I am a mom and a teacher at Cair Paravel-Latin School. I have four adult children and two grandchildren. Two of the four are in the gay lifestyle. I have been a single mom for 23 years and raised the children from the ages of four, eight, and ten. The two that chose the lifestyle had a difficult time without the father's role in the family. The son could not identify with a male role in the family and continually sought male acceptance. The daughter had no example of a male role and held on to any man that would show her love. When this did not happen, she sought the attention of women. A marriage needs a mother and a father for the children's emotional well being and stability. I dearly love my two children who are in the lifestyle. They, I Scripturally believe, have made wrong choices. The role of a mother and father in a child's life is needed and necessary for them to develop into stable adults. I feel I am speaking for all children, and asking you to consider them in your decision.

There is a ministry in Topeka called "Oaks of Righteousness" that is for men and women who have loved ones in the lifestyle. It is mainly a support for them to know how to deal with their present situation as a parent or friend of the loved ones who are caught in the lifestyle. I felt a need to begin this ministry to those who are so desperately hurting.

Sincerely,



Sue Jernigan

Testimony of Dr. Walter Schumm, February 11, 2004

1. **Background.** Doctorate in family studies, Purdue University, 1979. Over 200 scholarly articles, book chapters and one book since 1979. Cited over 800 times in Social Science Citation Index. Retired as Colonel, U.S. Army Reserve after more than 30 years commissioned service, 1972-2002; 50% of the best Army Reserve units in the world (2000-2001) were under his brigade command. Has taught a variety of courses in family theory and research methodology. Am testifying as a private citizen to minimize any issues with my state employment.

2. Three Recent Publications.

Schumm, W. R. (2003) Comments on marriage in contemporary culture: five models that might help families. Journal of Psychology and Theology, 31, 213-223.

Schumm, W. R. (2004a) Differential risk theory as a subset of social exchange theory: implications for making gay marriage culturally normative and for understanding stigma against homosexuals. Psychological Reports, 94, 208-210.

Schumm, W. R. (2004b) What was really learned from Tasker and Golombok's (1995) study of lesbian and single parent mothers? Psychological Reports, 94, 422-424.

3. Process

- a. A variety of arguments for or against gay marriage have been developed from religious theories or public health theories and depending on one's initial point of view, a variety of conclusions can be derived.
- b. I wanted to determine what sorts of conclusions might be obtained if one developed ideas that were independent of religious or public health theories.
- c. Based on Schumm (2003) above, I decided to use social exchange theory (by itself) since it appears to explain the vast majority of human behaviors, to examine the issue of gay marriage.

Implications

- d. The result was Schumm (2004a). The conclusion is that mixed-gender relationships appear to involve greater assumed risk than same-gender relationships (if you control for sexually transmitted diseases and homophobic pressures). Strictly heterosexual (versus strictly homosexual) relationships risk the events and the

possible complications associated with contraception, pregnancy, childbirth, abortion. Furthermore, gender differences place women at greater risk of being assaulted and injured in mixed-gender relationships. Finally, mixed-gender communication is more difficult than same-gender communication even though communication is at the heart of all relationships. The term “the battle of the sexes” did not come about at random.

- e. The implication is that any attempt to equate same and mixed-gender relationships that overlooks these differential risks will create an inequitable end state, even if the intentions are well meant in terms of finding equity for gays and lesbians. One imperfect analogy would be an attempt to equalize special duty pay for all soldiers on the idea that it was unfair to pay demolitions experts or airborne soldiers more than ordinary soldiers. Clearly the former assume more risk, which is why they are paid extra. However, it could be argued that all soldiers are at risk and therefore special pays are unconstitutional. While true that all are at risk for some things, some are at more risk than others – hence, the justice of additional pay. In some cases, pay is the same but greater respect is accorded those who accept greater risk.
- f. Research on satisfaction in same and mixed-gender relationships may not yet be conclusive but I have seen a few cases in which same gender couples score higher on relationship satisfaction than mixed-gender couples, which makes sense if they can attain the same rewards at lower cost (i.e., lower risk).
- g. Schumm (2004b) was developed after I noticed that one reviewer (Fitzgerald, 1999) said in her abstract or summary that research on gay parenting was generally supportive – after making a case in the body of her article that methodological weaknesses made the results generally inconclusive (an interesting shift in logic!). One of the key articles she cited in favor of gay parenting was Tasker and Golombok (1995). However, a close examination of that paper suggests that the sample size was so small it virtually guaranteed a neutral outcome. Even closer examination revealed that one outcome was that even when the children said they had no same gender attractions, they still were far more likely to want to adopt a homosexual lifestyle when their mother was lesbian. In other words, something far beyond a “if someone is born gay, let them be gay.” I have already received a rebuttal, to be published in Psychological Reports, from a female medical doctor who wonders what is wrong with that idea – why not let children be gay or bisexual even if their attractions are strictly heterosexual. I leave it up to you to decide if such a critique reflects a matter of mere tolerance of differences or a desire to see a much greater expansion of gay or bisexual lifestyles in our culture regardless of what inclinations people may have been born with.

WHAT WAS REALLY LEARNED FROM TASKER AND
GOLOMBOK'S (1995) STUDY OF LESBIAN
AND SINGLE PARENT MOTHERS?¹

WALTER R. SCHUMM

Kansas State University

Summary.—Limitations of research on gays and family life are discussed, including the low statistical power of small samples, a condition which increases the likelihood of failing to reject null hypotheses. In particular, it is observed that Fitzgerald in 1999 shifted from very tentative arguments in her review of literature to rather conclusive statements in her abstract about outcomes for children of gay parents. Furthermore, an often quoted 1995 article by Tasker and Golombok, upon closer examination, appears to indicate that being raised in a lesbian family increases the odds of a child later adopting a homosexual lifestyle even in the absence of homosexual attractions. For such reasons, scholars and policymakers all should be very cautious in accepting, at face value, at least some of the research being reported on gays and family life.

Research with gay samples is often limited because samples are small and bias is introduced through volunteer or convenience samples (3, 4, 6, 13). Many authors who favor a gay-neutral or progay perspective have a hypothesis that homosexual groups are no different than heterosexual groups on selected outcome variables (11). Because gays represent only 2-3% of the U.S. population and some are reluctant to identify their sexual orientation to researchers, it is difficult to obtain a group of gays large enough to compare with heterosexual groups (in a random sample) without having such low statistical power as virtually to guarantee a "successful" outcome from a gay-rights perspective. For example, Fitzgerald (6) in her review of the literature on gay parents, cited studies with as few as 17, 22, 30, 36, 37, 45, 46, 55, 75, and 82 subjects—many of which yielded no statistically significant differences between children of gay and heterosexual parents. In contrast, a recent article based on a large sample of 174 Australian children reported significant effects of family status (lesbian, gay, heterosexual relationships) on child outcomes. Although Fitzgerald (6, p. 69) noted findings were "suggestive, rather than conclusive" given methodological limitations, her abstract states "The body of literature generally concludes that children with lesbian and gay parents are developing . . . in positive directions, and that the sexual orientation of parents is not an effective or important predictor of successful child development" (6, p. 57). (11)

A particular case in point cited by both Fitzgerald (6) and Cameron (3) includes the results of Tasker and Golombok (14), who stated that 36% of lesbians' children compared to 20% of single heterosexual mothers' children reported same-sex attraction. Even though the odds ratio would be 2.25 (125% greater chance of same-sex attraction in one group), the sample size (45 cases) is so small the differences were not significant statistically. Remarkably, in spite of the small sample, when one reads the Tasker and Golombok article, one may find some statistically significant and possibly relevant, interesting evidence, which would be easy to

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DIFFERENTIAL RISK THEORY AS A SUBSET OF SOCIAL EXCHANGE THEORY: IMPLICATIONS FOR MAKING GAY MARRIAGE CULTURALLY NORMATIVE AND FOR UNDERSTANDING STIGMA AGAINST HOMOSEXUALS¹

WALTER R. SCHUMM

Kansas State University

Summary.—Differential risk theory, a subset of social exchange and equity theories, is proposed as an explanation for stigma towards homosexuals and as a basis for normative preferences for heterosexual marriage. Numerous gender differences involved in long-term relationships require members of such close relationships to assume greater interpersonal and social risks and thus costs, compared to same-gender relationships. Without compensating rewards or reduced costs, heterosexual relationships would be unfairly disadvantaged. Resistance to making gay marriage normative and/or equivalent legally to heterosexual marriage may be traced, rather than to homophobia, to societal attempts to maintain equity between classes of relationships characterized by inherent differential risks.

Social exchange theory has a well established reputation in family social science (3). Herek (2) has considered at length the issue of homosexuals and stigma. One key to understanding both stigma against homosexuals and some of the issues surrounding the question of making gay marriage normative in the western world may be a subset of social exchange theory and equity theory that I have labeled "differential risk theory." In social exchange theory, risk, although a potential consequence, is treated as a real cost. Costs and rewards are summed to yield an overall anticipated profit for any potential choice. There are many situations today in which groups naturally experience differential risks (that are not due to personal error or recklessness, as in drunk driving or engaging in "unsafe" sex) and are compensated in various ways for assuming those risks. Combat zone pay or special pay for aviators or demolition experts are examples of ways in which those who accept higher risks are granted higher compensation, financially or through higher social status. Shame, even stigma, and more formal punishment are often consequences for those who avoid risks that others are expected to assume (especially when benefits are equal across groups). For those who fail to appreciate the risks involved, such differential compensation or punishment will appear to be unfair, discriminatory, or even prejudiced. If that line of reasoning is accepted in order to reinstate "equality,"

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what has actually occurred is the reinstatement of inequality in the guise of creating equality, a perversion of genuine equality within the context of differential risk theory. Another way of saying this is that if everything else is equal, a group that accepts higher risks without compensation anticipates lower profit and becomes underbenefitted or disadvantaged relative to other groups that do not accept higher risks. To maintain equity and to provide an incentive for those who accept higher risk, society may either reward the risk-takers or penalize those who do not accept the risks. When the risk avoiders are in a small minority, societies may be more likely to adopt an approach that "penalizes the minority" rather than one that "rewards the majority," basically because it is less expensive overall (not that the minority feels better about that). That may be especially likely if the risks assumed have profound benefits for the society as a whole, even if they are a disadvantage for individual members of society. Examples might be that childbirth is a disadvantage and risk for individual women, but childbearing is essential for the survival of a society; being wounded or killed is a disadvantage for an individual soldier, but the survival of a society may depend on national self-defense.

In particular, differential risk theory may be applied to the issue of homosexual stigma and gay marriage. It can be argued that heterosexuality involves the acceptance of risks that are nonexistent or minimal for homosexuals. Obvious answers are pregnancy and (for unwanted pregnancies) abortion, both of which may involve financial and emotional costs. The costs and risks of contraception, both short and long term, are also relevant. The risks of rejection before or during heterosexual dates are well known. For many traditional heterosexuals, socially approved sex can only be obtained after accepting the risks of marriage, which involves many varieties of future costs and risks, many of which cannot even be predicted or foreseen accurately. A less obvious risk of heterosexual relationships is related to the costs associated with gender differences in physiology, sexual response, and communication, among others. In essence, living with a member of the opposite sex exposes one to increased risk because of the difficulties inherent in trying to understand and communicate effectively with someone whose physiological and psychological makeup are vastly different, even though individual differences also contribute in both heterosexual and homosexual relationships. Another risk accepted by heterosexuals involves the risk of becoming a victim of verbal or physical abuse because of the inherent differences in capability among men and women. It is common knowledge that the average man is physically stronger than the average woman while the average woman is more adept verbally than the average man. That asset differential creates a vulnerability that in some cases elicits abuse. The more balanced profile of assets in same-gender (highly committed) relationships, I believe, should re-

duce the risk of abuse, although there may be much greater risk of abuse in low commitment relationships of any type. Nevertheless, in heterosexual relationships, risk associated with gender differences is guaranteed while the opposite is true of homosexual relationships.

In fact, years ago Cameron (1) argued, as do gay recruiting Internet sites, according to one reviewer, that homosexual sex is usually better for the self in the short run, even if it is not as constructive for the self in the long run or for society. While marital sex may be poorer initially and even permanently, a gay person or group can, with all candor and sincerity, invite others with "come, sex my way and I will give it to you straight and hot. Pleasures of the best quality, almost on demand . . ." (1, p. 17). When heterosexuals come together, successful interaction depends critically on new learning and significant efforts to understand and communicate, because of innate differences in physiology, anatomy, and hormonal systems, among others. Initial efforts are almost guaranteed to fall short of what might (no guarantees!) later be achieved. It can be questioned whether most men and women ever fully understand their complex gender and sexual differences, even after years of living together. Thus, with homosexuality, not only are the risks lower, but the rewards are usually superior in the short run, because of a reduced learning curve. From the perspective of differential risk theory, equating the social value of the two sexual orientations, which Cameron (1, p. 49) claimed has never been done by any society for all social classes for very long, makes fools, perhaps "noble" fools, out of those who take the path of fewer rewards and greater legitimate risks.

Many societies have tried to deal with this differential risk by penalizing homosexuality through social stigma, although I would prefer that heterosexuals were rewarded for their risks rather than having homosexuals punished. While eliminating stigma against homosexuals is a noble objective, it will establish inequality if heterosexuals are not compensated positively for the risks they assume automatically in gendered relationships. To establish a pseudo-equality between heterosexuality and homosexuality, when in fact the risks differ, will effectively reward a minority at the expense of the majority. Creating such an inequality in the name of equality is not social progress. To make homosexual behavior more normative (rather than merely tolerated) would create an artificial equality between dissimilar lifestyle choices that are, in fact, associated with differential risk for the participants and have differential benefits for society.

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COMMENTS ON MARRIAGE IN CONTEMPORARY CULTURE: FIVE MODELS THAT MIGHT HELP FAMILIES

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Questions are answered in relationship to innovative theoretical models derived primarily from the author's teaching experiences in family theory and methodology. Implications of the models for marital interventions by local community and church leaders as well as marital therapists are discussed.

Can you briefly describe what kind of work you are currently doing in support of Christian marriages?

Since 1979, I have been teaching about marital interaction, contemporary family theories, family research methodology (Schumm, 1993; Schumm, 2001), family intervention program evaluations, and premarital counseling (Silliman & Schumm, 1999, 2000) in the School of Family Studies and Human Services at Kansas State University in Manhattan, Kansas. I also have served as a research consultant on issues concerning military families, especially the impact of overseas deployments and related risk factors (Schumm, Bell, & Gade, 2000; Bell & Schumm, 2000), in addition to a project on the causes of Gulf War illnesses (Schumm, Webb, Jurich, & Bollman, 2002). I have served as a consultant to Ken Canfield's National Center for Fathering (Canfield, Schumm, Swihart, & Eggerichs, 1990) and to the Army's Chaplains programs on building strong families, as well as studying intrinsic religiosity among military personnel (Schumm, 2000). During this time I dealt with many families as a senior staff officer and commander within the U. S. Army Reserve, retiring in July 2002 after more than 30 years service (Schumm,

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Polk, Bryan, Fornataro, & Curry, 1998). One of my career goals has been to develop visual models to explain complex issues in ways that are easier to understand. My father had a professor at the Naval Academy in 1924 who used to say that "the picture works the puzzle." That is why much of what I have to say will revolve around five simple models that I have found useful while teaching over the years. Of course, all models are simplifications of a more complex reality; therefore, these models should be starting points for discussion, not ending points.

Although models may be interesting, we should be focusing on "Jesus, the author and finisher of our faith" (Hebrews 12: 2). The models are not a substitute for professional marriage counseling or crisis counseling (Swihart & Richardson, 1987).

A number of dangers to the institution of marriage have been proposed, including cohabitation, increased religious heterogeneity, dual career issues, modern mobility, increases in the length of life, and others. Over the next decade, what do you believe will be the greatest risks to the institution of marriage? Follow up: What do you believe is the cause of high levels of divorce in the Christian community today?

There are a number of dangers to Christian marriage. In contrast to many others, my chief worry is not about the effect of "outsiders" on Christian marriage; I am worried most about the effect of "ourselves." Healthy organisms usually resist disease but unhealthy ones often succumb. In other words, I can understand why a non-believer would divorce his wife for a younger "trophy," but I am more distressed when Christians do the same thing and—more dangerously—rationalize their behavior as not only Biblically appropriate but as positively good. If we can't solve our own problems with divorce, are we not

Box #2 (Clear anti-social behavior, often criminalized for the sake of society)(Kingdom of Criminals)	Box #3 (How the religious leaders of Jesus' time thought it was OK to live)(Kingdom of Civilized People Distant from God)	Box #4 (How God wants us to Live)(Kingdom of God, as Jesus described it, Living Intimately with God through the Holy Spirit)
Take care of Number One, yourself, regardless of the needs of others, even your "friends"	Love your friends but hate your enemies	Love all, including your enemies
Lie whenever it is convenient for your own individual purposes	Don't lie when you are under oath (but it's OK at some other times)	Always tell the truth without equivocation (in love, of course)
Divorce whenever it feels appropriate	Don't divorce, unless your marriage becomes really difficult, but be civil about it	Focus your attention and love on your spouse, don't even think about the allures of others and whether a divorce would improve your situation
Do whatever bad things you want to do to others	Do not murder others physically but insulting or accusing them falsely is reasonable under some circumstances	Return insults and offenses with love rather than instigating or returning your anger back at them
<i>Note:</i> The moral Law (e.g., Ten Commandments) serves as a boundary between boxes 2 and 3 while Jesus' teachings serve as a boundary between boxes 3 and 4.		

Figure 1. Moral Transformations Model.

being presumptuous to tell non-believers how to solve theirs?

I have tried to develop integrated models of morality and marital interaction rather than mere lists of what is wrong. To cover the issues of dangers and the reasons for divorce, I will present two theoretical models. The first model (the "Moral Transformations" Model, see Figure 1) is about the Christian life. This model has been touched upon in a couple of previous articles (Schumm, 2001; Schumm, 2002) but is developed more fully here. Imagine a rectangle with five vertical divisions, numbered 1 through five, from left to right. The box on the far left, #1, represents total evil. The box on the right, #5, represents total good. Since none of us are totally evil all the time nor totally good all the time, the "human" boxes are #2, #3, and #4. Jesus taught us that morality was more than the difference between boxes 2 and 3, which are separated by law (e.g., do not murder, do not steal). A person can think they have followed most of the laws but still be far short of a high quality relationship with God (Matthew 19:16-30). While those who live by the moral principles in boxes 2 and 3 may appear to be very powerful or

very good people, in this model they are spiritually dead. Jesus' teaching known as the Sermon on the Mount (Matthew 5:1-48) separates box 3 from box 4, as illustrated in Figure 1.

Essentially, life in box 3 is a social exchange model (Hamon, 1999) in which decisions are made on the basis of perceived rewards and costs, without taking eternal consequences into consideration. Unfortunately, when such rewards and costs determine your decisions, you are inherently vulnerable to temptation whenever the apparent benefits of sin outweigh the perceived long-term costs (part of what I think it means to be a slave to sin, John 8:34). In box 4, life is a moment by moment response to the Holy Spirit where you are enabled to do what God wants, regardless of the apparent outcomes for yourself at the time. Life in box 4 also involves a life-long process of spiritual growth and maturation beyond the experience of the "2-4" or "3-4" transformation, involving how one grows closer to God intellectually, emotionally, and spiritually, as well as responsiveness (obedience) and trust. Those who are spiritually alive normally will struggle with moral issues on the "3-4" boundary (Romans 7: 14-25)

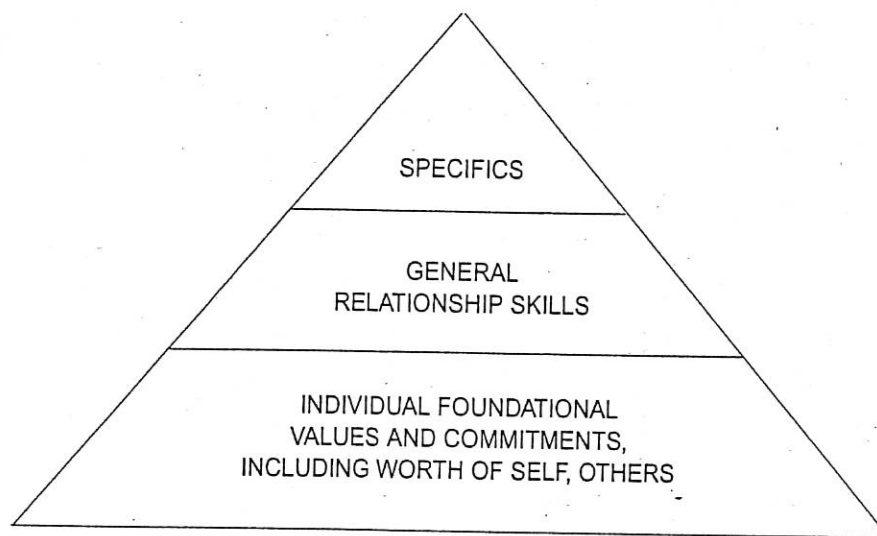


Figure 2. Marital Pyramid Model

while others who feel they are trying to be good, apart from God, may struggle more along the "2-3" boundary. For some, getting saved and growing in faith may be quite separate matters, but in this model, the transition to a box 4 lifestyle is expected to be a "package" deal. With respect to comparative religion, the model shows how many religions deal one way or another with ethics along the "2-3" boundary but I think that the "3-4" boundary and the spiritual transformation and process associated with box 4 is unique to Christianity.

The implications of the model are many with respect to Christian life and marriage. First, divorce would be much less frequent if both partners were living "in box 4". Secondly, many disputes would be resolved much more satisfactorily because downward spirals of recrimination would be interrupted early on. Communication would be improved because more authentic sharing and listening, with patience and kindness, would occur. Furthermore, hardships and trials would be interpreted more positively, as an essential part of Christian growth rather than mere inconveniences that should be evaded or minimized at all costs (Hebrews 11: 13-39; James 1: 2-4; I Peter 4: 12-13). With respect to this model, Jesus said he did not come to abolish the law but to fulfill it (Matthew 5: 17-18). In other words, the commandments that separate box 2 from box 3 remain in effect and should not be dismissed—but God wants us to live even more righteously (Matthew 5: 20) with Him and

each other. In box 4, the focus is on pleasing God first and then your spouse rather than worrying about how well your spouse is pleasing you.

A second model—I call it the "Marital Pyramid" Model, (see Figure 2)—that I have found to be simple but important is merely a pyramid with three levels. The levels of the pyramid are important for all marriages, but I suspect that secular marriages tend to fail more often for problems in the lower level while Christian marriages tend to fail more often for problems in the upper two levels, especially the top level. One often might ask, what does it take to have a great marriage? I think many Christians fail to achieve great marriages because they get stuck in the wrong box in this model. The lowest level features personal, foundational values and worth ascribed to self and others—being honest, being dependable, avoiding drugs, earning one's own living, being civil to people. I would include commitment to marriage, religious faith, and having a high sense of worth for people in general in this level. A few Christians believe that all you need are such values or high self-esteem or salvation for your marriage to automatically work out well. However, one can have those values and yet not be very good at relating to others in intimate relationships, even though it is less likely one will relate well if one does not value others or hold certain moral values regarding human life and relationships. In the long run, the lower levels of the pyramid are necessary but not sufficient for success in the higher levels.

At the same time, in the short run, a person can be very successful at the higher levels though less successful at the lower levels. I suspect that wives are more appreciative of the peak of the pyramid than are husbands, on average; on the other hand, I suspect that some women undervalue the foundations of the pyramid when looking for a good husband.

The middle level concerns general interpersonal skills—being able to communicate well, to negotiate, to listen, to resolve conflicts, to enjoy another's company, to do things as a team whether for fun or work, to "edit" your thoughts and actions rather than impulsively saying or doing hurtful things to others, to forgive and to accept forgiveness. Many more Christians believe that all you need for a great marriage are good values and adequate interpersonal skills. However, I have known many people with at least average character and good interpersonal skills who ended up divorced or who appear to be working hard at enduring their difficult marriage. In some cases, couples have a great foundation for a terrific marriage but they stop at the middle level, not sure if there is any hope for anything better.

The peak of the pyramid, however, is where one applies character and interpersonal skills to the specific, day by day needs of one's spouse as they pertain to that spouse's unique characteristics and needs (Swihart, 1979, 1997). In other words, do you fine tune your marriage or would you pretty much operate the same no matter to whom you were married? Life in the top level means looking enthusiastically for creative ways to meet the very time and personality specific needs of your spouse—and enjoying it! Each partner should try to do "small" (quick, inexpensive, from the heart) things geared to the daily and romantic needs of the other (what pleases them, not simply a projection of what you'd like) on a regular basis to remind each other that one is thinking positively, uniquely, and creatively about the other throughout the day even in the midst of many pressing issues. Stress and busyness are the mortal enemies of success in the peak level—if prolonged, they can so damage the processes represented by the peak level that the lower levels are adversely affected.

The model "explains" why some women fall for men with suspect character—some of them excel at the peak as "charmners." It explains why some "solid" Christian marriages typify so-so happiness, because the couples neglect the peak. It explains why courtship seems so pleasant—because there is more focus on the peak of the pyramid and why marriages

often turn sour—because spouses think they no longer need to worry about such things or they simply become so stressed and busy they lose heart and energy for them (again pointing to the value of the Sabbath). One might say that before marriage, there is often too much focus on the peak and after marriage, too little. The model highlights the importance of making time for family.

David Blankenhorn recently suggested that a shift in how partners see marriage has occurred. He noted that couples today often see the partners as bigger than the marriage. In the past, partners saw the marriage, and faith or community-based commitments to marriage, as bigger than themselves. What are the consequences of this shift in values away from faith or community-based covenants?

My short answer is that we should be doing all things, including the way we love and serve our families, to glorify God, encourage others, and strengthen our communities rather than to please ourselves. My mother used to say that happiness should be a by-product of what you do good for others, not an end in itself. I would argue that the greatest threat to the institution of marriage, as well as to our culture in general, is a growing failure to "take the long view." Is marriage a limited contract to promote one's own self-interest, a contract easily terminated, often in a short period of time, when one experiences disappointments? Or it is a covenant, oriented toward the promotion of the interests of the other, children, and the community over a long period of time? To picture the model used here, imagine a square box (this will become the "Moral Decision-Making Model", see Figure 3). On the left side, from bottom to top is a time line from zero to infinity. On the bottom, from left to right, is a "personal space" line, running from self, spouse, family, neighbors, community, nation, world, universe, to God. Each of us have to make many choices and decisions in life, whether we are Christians or not. Each decision must take into account the consequences of that decision over time and over personal space. For example, an egocentric person would make decisions over a very short time period with respect to only immediate consequences for self (shade in a small square area in the lower left hand corner of the box). A more careful but egocentric person would make decisions only with respect for self but would

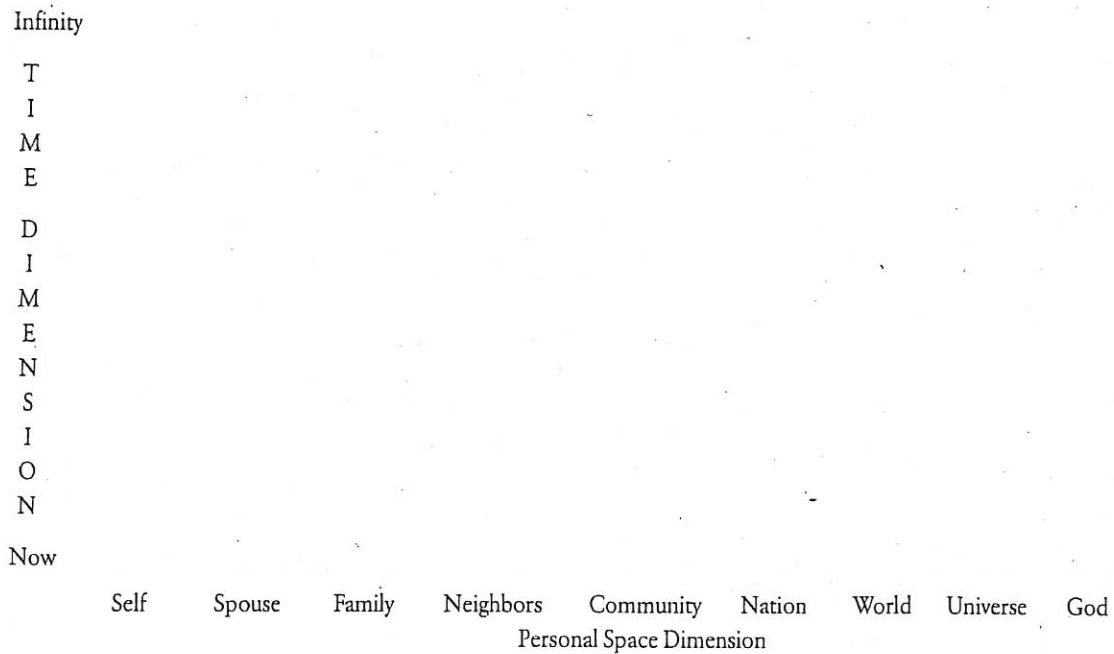


Figure 3. Moral Decision Making Model.

take into account a longer time frame (a thin column on the left side of the box). The pattern for a sensitive person with a focus on short-term concerns would be represented by a short row along the bottom of the box. A more mature, socially responsible person's pattern would be a quarter circle that expanded upwards and to the right as they made decisions taking into account a wider range of the needs of others over longer periods of time. The model highlights the logic of depending on the Lord for decision-making, because only God knows the medium and long range consequences for the full range of personal space (Galatians 5: 16-18; 6: 8). In contrast, one of Satan's primary tactics (temptation) is to use short-term, self-centered "bait" (James 1: 12-15) to lead us into making decisions with adverse long term consequences for ourselves and hosts of others. Marriage and, yes, civilization depends on a majority of people making decisions that take into account a reasonably long time frame and a reasonably large personal space; religion is one key sociological element for sustaining such decision-making.

Another key to the Moral Decision-Making Model is an assumption that external stress can have an impact by causing the time and personal frames of reference to collapse back toward the lower left corner, especially in the immature. Recall how Satan tried to break Job's righteousness (making long view

decisions) through a pile-up of severe personal stressors; one of the glories of our Lord Jesus Christ is that He endured truly maximum affliction and continued to obey His Father's will. In contrast, we tend to grow weary under much lighter stress and become more self-centered and short-term in our focus (Galatians 6: 9; Hebrews 12: 3). I believe that one reason for the Sabbath was to mitigate the impact of stress and prevent deterioration of "long view-taking."

The philosophy of "if it feels good, do it" captures the lower left corner of that moral decision-making model very well. A wife who is irritated or disappointed with some mistake or insensitivity on the part of her husband may feel better in the short run if she "chews him out" for his error, but what long term damage is being done to the relationship and to other relationships (children, neighbors, etc.)? The husband who is thinking about building his career in the long run may feel he is taking the "long view" for himself, but if he neglects his family and only responds to their short term needs, he may find himself divorced or despised down the road not only by his family but by his neighbors and the community.

In contrast, enjoying an intimate relationship with God naturally draws one into making decisions that take into account eternity, not to mention shorter periods of time, and the welfare of a range of other people, in addition to one's own welfare

(Galatians 5: 22-25). Jesus was very clear about the importance of thinking long term (Luke 12: 38; 16: 8, 25), about loving a wide range of neighbors (Luke 10: 36), and about the importance of eternal life (John 4: 14; 6: 27; 17:3). The patriarchs of old clearly tended to take a long term view of life (Hebrews 11), considering the needs of a wide range of family members and their neighbors as well. While the law can tell a person what not to do, it may offer less guidance about what decisions to make. The law of love, by contrast, suggests making decisions that provide maximum rewards and the least unnecessary costs for the most "persons" over the longest periods of time so that one and one's family and neighbors gain the most emotionally and spiritually.

Many immoral behaviors make "sense" if you accept the lower left corner of the box as your primary decision-making space. Even promiscuous male homosexuality or premarital heterosexuality may appear to make "sense" if you consider only short-term outcomes for oneself, having an exclusive focus on immediate individual gratification. Some will say, "What's wrong with a little pleasure?" Too much focus on pleasure, only one of several aspects of positive affect (the others being satisfaction, happiness, and joy; Schumm, 1999), obscures the long-term consequences of decisions and increases the chances of making unwise decisions, as well as depriving one of as much chance for experiencing deeper types of positive affect, such as true joy. The heroes of faith (Hebrews 11) often gave up short-term pleasures and a comfortable lifestyle for the sake of very long-term and/or eternal rewards, often for others far into the future.

The Bush Administration, under Wade Horn, is searching for ways to support marriages in America today. Marriage interventionists have tried to assist marriages in a variety of ways including church-based marriage enrichment, pastoral counseling, professional counseling, marriage mentoring, and pre-marital counseling. If you could make a recommendation to Wade Horn today, what would you recommend his office attempt to make a difference in marriages? Follow up: What should churches be doing to support marriages in their congregation and community?

Policy is not my forte. I do not have great solutions for the Bush administration. To the extent the

church fails to adopt more constructive models in its teaching about family, additional financial support may only perpetuate false and ineffective models. I think the government's primary interest should be justice in ensuring that divorcees, widows, and children are not penalized financially. However, I recognize that the government's heavy hand may simply drive some ex-spouses underground as a way of avoiding their court-ordered obligations—so there are limits to what the government can do. Some programs that help delinquent fathers find jobs or better jobs may have been useful at increasing support payments to children. It might be useful for the government to sponsor a web site where couples could inexpensively seek some preliminary marriage assessment or guidance as well as referrals to religious and non-religious counseling agencies in their local area; that way, some marital breakdowns might be prevented. However, it may be that such assistance is already available, at no expense to the taxpayer, through Focus on the Family and other groups.

What can churches be doing? I think they need to convey a greater emphasis on God's enthusiasm for people as a model for our own lives. However, that is not an enthusiasm based on our moral goodness or worthiness but on God's decision to love us in spite of the many reasons that He could propose for not caring one whit about any of us. I think sermons should shift in focus from the boundary between box 2 and 3 in the Moral Transformations Model to the transition from box 3 to box 4. Another angle might be to consider "What is getting in the way of your having a closer relationship with the Lord? Let's work on those things, whatever it takes." I think there should be more focus on all the levels in the Marital Pyramid Model. I would prefer to see drama in which church members role play people interacting with freeze frames in which the congregation guesses at what each party is likely to be feeling, thinking, and planning to do next—and how that would differ depending on their level of dependence on the Holy Spirit at the moment (2 Corinthians 5:17; Ephesians 4:22-24).

John Gottman has proposed that training couples in communication skills is not as effective as marriage interventionists have believed. For example, he found that "master" couples who have demonstrated the ability to create a strong marriage only use the skill 4% of the time. Consequently, there is a debate among marriage inter-

MAXIMIZE POSITIVE AFFECT
REGULATE NEGATIVE AFFECT
EXIT ESCALATING CYCLES OF NEGATIVE AFFECT QUICKLY
GUARD AGAINST DEVELOPMENT OF NEGATIVE ATTRIBUTIONS

Figure 4. Marital Research Model.

ventionists about the utility and efficacy of communication skills training. Where do you fall on the current issue?

When I taught a class on marital interaction in the fall of 2002, we worked on summarizing what Gottman and others had been reporting in their research (Bradbury, Fincham, & Beach, 2000; Glenn, 1990; Gottman & Notarius, 2000, 2002; Karney & Bradbury, 1995). Although many other issues are important (Adler-Baeder & Higginbotham, 2002), four core principles comprise the Marital Research Model (See Figure 4). The most important principle was "Maximize positive affect," which isn't that far from saying maximize the genuine unique ways you show love towards each other (Swihart, 1997), taking advantage of every opportunity (Galatians 5: 10) to do others good (e.g., Romans 12: 9-10; 15: 3; I Corinthians 13: 4-8; Galatians 5: 14; Ephesians 5: 2; I Peter 3: 8; James 2: 8; I John 2: 10, 4: 7-11; Hebrews 13: 1). Within this principle, I would include the idea of doing whatever it takes to convince your spouse of your emotional and spiritual responsiveness to them (the opposite of the complaint "he never listens to me, we never consider spiritual issues"). The second principle was to "Regulate negative affect," which means avoiding what Gottman calls "negative start-up" (Gottman, 2002; James 1:19-20; 3:5-18) and escalating sequences of negativity, also known as negative reciprocity (returning evil for evil)(Romans 12: 17-21; Galatians 5: 15, 26; Philippians 4: 5—"Let your gentleness be known to all," this no doubt includes the members of your own family!). This negative reciprocity tends to lead to withdrawal and ultimately, bitterness (Colossians 3: 19; Hebrews 12: 15). Scripture seems to discuss this principle in terms of not being easily provoked (Proverbs 14: 29; I Corinthians 13: 5) nor prone to provoke others to anger (Ephesians 6: 4), as well as avoiding evil, false words, or accusations about or to

others (Ephesians 4: 29-31; Titus 2: 3; 3: 2; I Peter 3: 10-11; James 4: 11; I Corinthians 4: 4-5; Romans 14: 13). Underlying the regulation of negative affect is probably an aspect of humility associated with having realistic expectations of others and realistic beliefs about close relationships in a fallen world. It is interesting that God is slow to anger (Nahum 1: 3) with our faults; it would seem sometimes that we think we need to compensate for His slowness with our quickness – though we have much less right to take offense at others' faults. We didn't say to minimize negative affect because it is probably not realistic to eliminate all negative affect from a close relationship (Hebrews 12: 1, I John 1: 8)—there are too many opportunities to miscommunicate or otherwise offend the other person, even if unintentionally. But a ratio of 5 or 10 to 1 for positive versus negative affect seems to be best for marriage. The third principle was "Exit escalating cycles of negative affect as soon as you recognize them," seen in Scripture as not returning evil for evil (Colossians 4: 13; I Thessalonians 5: 15; Romans 12: 17). It is very difficult to not return a negative for a negative (I Peter 3: 9). Minimizing the negative affect in such a cycle is also important—be angry but don't sin (complaining versus condemning in Gottman's terms; Ephesians 4: 26). For most people, returning a neutral for a negative is probably "success" (Proverbs 15: 1; I Peter 3: 2). However, Jesus modeled returning positive affect in the face of negative affect (Luke 10: 38-42), a process we should learn through the Spirit's guidance (Romans 12: 14-21; I Corinthians 2: 9-16; 4: 12; Galatians 5: 16, 22; I Peter 3: 8-12; I John 4: 13). I am aware that many therapists believe that couples regulate their emotional distance in order to maintain a certain limited degree of emotional closeness—they have conflict in the service of their closeness objectives. This model is not complex enough to capture that sort of process. The fourth principle is to guard

against the development of contemptuous or bitter attitudes (negative attributions) towards others, attitudes that manifest themselves in specific facial expressions, emotional withdrawal, and predict eventual divorce. Happier spouses tend to attribute even better intentions than their partners may actually deserve while embittered spouses tend to attribute even worse intentions than their partners deserve. Furthermore, the four principles are interrelated. Success at the first should help with the second, since positive affect tends to minimize negative affect (I Peter 4: 8; I John 4: 18). Success with the second should reduce the opportunity for negative escalations to begin in the first place. Reducing the frequency and intensity of escalating cycles of negative affect will reduce the temptation to develop bitter, cold attitudes toward others. Conversely, failure to regulate negative affect will tend to foster more and more negativity (through escalations) and will tend to undercut motivation, or at least enthusiasm, for loving others (Matthew 24:12—love growing “cold”).

What about communication skills training? I think it has its place, but from the above models and principles it should be evident that it is only one part of the picture. I think that Scripture portrays selfish, “heart” attitudes and negative attributions (Matthew 12:35-36; Philippians 4:8; see Proverbs throughout) as the root cause of communication difficulties rather than poor communication skills or techniques (Romans 12:3, 16; Ephesians 4:32; 5:2; Galatians 5:13; James 3:13-17; 4:1-8; I John 4:7-11), attitudes that probably are manifested more in “affect” than communication skills in research on marital interaction. My personal view is that many communication “techniques” are primarily useful as guidelines, ground rules, or cues that help couples avoid or exit from escalating cycles of negative affect. However, I must admit that escalating cycles of negative affect can be so destructive that almost anything that dampens them has at least some potential usefulness.

Explain to the readers how you integrate your faith/theology with your approach to marital intervention. How do you approach marital interventions and marital research in respect to your faith?

In general, I have been slowly developing a “pre-scientific theory” of family life, a theory that would be similar to other contemporary family theories

(Boss, Doherty, LaRossa, Schumm, & Steinmetz, 1993; White & Klein, 2002) in structure but with Scriptural content, a task that has proven far easier to attempt than to complete! The models presented here largely reflect that effort. With respect to family life education, my goal is to present material that is true to the principles of Scripture and takes advantage of the best research in marital interaction. For example, Scripture says for us to be quick to hear, slow to speak, and not to judge/accuse others rashly. When John Gottman found that “negative start-up” was a problem in some marriages, I realized that his concept was what happens when you combine being slow to hear, fast to speak, judgmental, and accusatory all at the same time, a condition he said was more common among wives than husbands. It is probably an important sub-category of the opposite of how a wife should respect her husband (Ephesians 5:33). On the other hand, he found that “stonewalling” and emotional withdrawal were more of a problem for husbands, in contrast to Peter’s advice to know your wife well and honor her (I Peter 3:9). Scripture is the ultimate truth, but current research can highlight which problems are most prevalent now and provide anecdotes that can help us understand practical applications of Scripture more readily in our own time and culture.

With respect to integration and therapy, I believe that the pyramid model has useful implications. Couples could be evaluated as to the status of each level. It would make sense to focus intervention on those levels that need support rather than a “shotgun” approach that spends equal time on all three levels. Strength in the lower levels would bode well for the stability of the relationship while strength in the upper levels would bode well for the happiness of the relationship. Work in the lower levels would take more time but have the potential to produce longer lasting results. Work in the upper levels might be quicker but success might be degraded over time by shortcomings in the lower levels or excessive stresses placed on the relationship from external sources or serious health problems.

With respect to faith, I used to think it was the process of psyching yourself to believe in something that didn’t make sense or was not visible, as in believing in an invisible God who didn’t seem to care. Over time, I realized that it was a relationship concept. If I expect favorable treatment from someone, then I will look forward to meeting with them, spending time with them. If not, I won’t. In part a

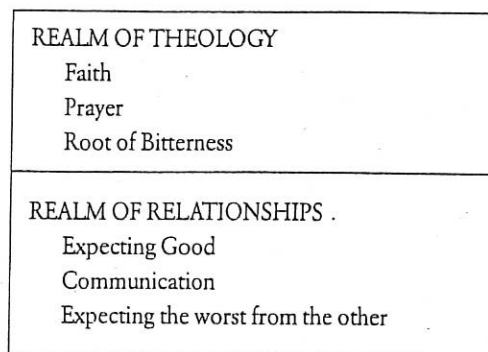


Figure 5. Relational Theology Model

least it is the expectation of future joy from being with someone. With this kind of faith in God, a person will look forward to prayer, worship, reading His word, and to heaven, just as a groom looks forward to spending time with his new bride. Related to this is a frequent lack of enthusiasm towards our Christian responsibilities. I recall a story in which one Christian apologized to another, to which the other said that he figured he had to forgive if God could, though he didn't really want to. My sense is that if we had half a clue about how much God has forgiven our sins, we would rejoice, rather than grumble, at the chance to forgive our brothers in Christ. Likewise, we often love our spouses or children with so little enthusiasm that it would seem to betray a terrible lack of appreciation of God's many mercies and great goodness towards us.

A fifth model—my Relational Theology Model—illustrates another problem in the church. Most people seem to think that theology and relationship science are totally separate areas, as shown in Figure 5. Because of this division, many people think you can be a great Christian teacher even though you are without love (I Corinthians 13:1), or that you can love God even though you hate men (I John 4:8). I would argue that from God's perspective, there is only one box when it comes to relationships, whether with God or other people. The key concept here is that of faith. Most people think of faith, I suspect, as a theological concept, one in which a person overcomes intellectual doubts about God's existence to accept a belief in some kind of supreme deity. However, I would argue that such a concept is misleading at best. Rather, faith is a relationship concept, whether applied to God or to others. For example, my wife is not going to be impressed if I state

that I believe that she exists. Nor is God particularly impressed that someone merely believes that He exists, as even demons so believe (James 2:19). The Bible assumes that people (Romans 1:18-24) believe that God exists.

Variations in "faith" revolve much more around the qualitative nature of God than the quantitative issue of His mere existence. In particular, faith involves more than believing that God exists; it also includes the extent to which one trusts in the utterly complete goodness of God, that He rewards those who seek Him (Hebrews 11:6). The opinion I hold of my wife matters far more to her than whether I think she exists. If you expect good from another, you have faith in them. If you interpret most of what they do in a negative light, regardless of their intentions, then you are demonstrating you lack faith in them. Thus, faith is, in my view, really a relationship term, more than a religious concept. Likewise, prayer is really communication and terms like "root of bitterness" refer to outcomes of dysfunctional relationship processes, processes that John Gottman and others have been observing scientifically. The two greatest commandments are, after all, relationship commandments (Matthew 22:37-40).

With respect to integration of faith and research, I have been trying to use statistics to highlight truths of the Scripture. In one study, we showed how Proverbs 30:9 played out in the survival rates by social class and gender on the RMS Titanic (Schumm et al., 2002). In another study, the differences in styles of violence between the Qur'an and the New Testament were evaluated statistically (Morgan-Miller, 2002; Schumm, 2002). More recently, I have been working on a statistical analysis of Hebrews to try to determine its (human) author(s).

Empirical study of Christian marriage and religious marital interventions is seriously lacking. In your opinion, what are the most important studies that need to be conducted to advance our understanding of Christian marriages and Christian marriage interventions?

I would love to see more studies on how couples integrate their faith in their significant relationships, particularly how they allow the Holy Spirit to direct their moment by moment thoughts and responses during romantic, ordinary, and conflictual moments in their marriages. Knowing more about constructive and practical ways that occurs would make some great videos that would be useful for evangelism and for marriage interventions, whether educational or therapeutic. I would particularly like to see work done along those lines for premarital education. I think it would be useful if empirical tests of some of the models proposed here were undertaken with evangelical Christian couples. Perhaps we should study barriers to deeper intimacy within couples and with God as a preliminary step to developing effective strategies for overcoming such barriers. I think it would be useful if studies were done on the impact of divorce among evangelicals on their children's religious faith and future relationships, so that pastors could advise prospective divorcees of the specific damage they might be doing to their children either through the divorce or through their unresolved conflict (whether they divorce or not).

If you were to give advice to someone who is training to work with marriages, what is the key piece of advice you would like to share?

My advice for those training to work with couples is that the models for what works with couples depends on the location of each person in the Moral Transformations Model, as shown in figure 1 (regardless of whatever labels they might attach to themselves), because the moral operating principles in each box are very different. Many secular training programs will assume no one operates in box 4 and that box 2 clients are hopeless; therefore, they may be based largely on social exchange or systems theory, which may work well with box 3 clients – but not necessarily with others. Work with couples in which the individuals are operating from different boxes would be especially challenging because of the vast differences in their assumptions, goals, and moral operating principles (2 Corinthians 6:14). For coun-

seles in box 2, perhaps the initial approach would be to emphasize consequences of decisions over longer periods of time. Changing the environment would be recommended if the environment was so risk-laden that such considerations didn't seem relevant. A second level would be to raise the issue of "what goes around, comes around." That is, considering the needs of others should help the self gain what it wants. Some in box 2 may be more amenable to considering spiritual change than those in box 3—they have less to lose and perhaps less pride to defend. What I call a "2 - 4" transformation is possible, though many will only be transformed after a "stint" with the law in box 3. Clients in box 3 should be motivated to improve by appeals to social exchange theory principles since the theory governs their decision-making. Unfortunately, so much worldly success can be obtained through assiduous use of social exchange principles (Colossians 2:8 perhaps) that human pride is often exalted, creating a major barrier to the "3 - 4" transition or transformation that is dependent upon humility and awareness of sin. If something seems to be working, a person has much less reason to consider abandoning it. There are things that "work," for clients in boxes 2 and 3, but they may not lead a client in the direction of box 4. For clients in box 4, a substantially different set of principles would be appropriate. First, such clients should be reminded that suffering is not only expected but critical to spiritual development (James 1:2-4), with guidance on how to "use" painful experiences in that direction. Clients should be exposed to narratives (written or personal) of others in similar situations and how they responded. Clients should be connected with others who are walking with God through the Holy Spirit on a daily basis, for the sake of encouragement and sustenance beyond the confines of the church or counseling office. If I were counseling couples, I would try to focus on how each person might grow by allowing the Holy Spirit to direct their thoughts, plans, interactions, and responses to each other, with enthusiasm as opposed to any morbid sense of duty and how they would support each other in living out their relationship accordingly.

For all clients, a handout on the differences in how those in the three boxes might respond to a given situation might awaken those in boxes 2 and 3 to the potential existence of box 4 while it would help clients in box 4 better understand some of the details of what they might experience while "walk-

ing in the Spirit." I have used a class handout with about fifty such examples in my theories course—each one by itself could be the start of a challenging sermon!

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Ladies and Gentlemen,

I am honored to address you this afternoon. My name is Brianna Olds. I reside in Manhattan, am 17 years old, and have been a Kansas resident all of my life. The issue before us is an amendment to the Kansas Constitution defining marriage as a legal union between one man and one woman. When our country was founded there was not a need for the government to define marriage. For centuries, all understood that a family consisted of a mother, father, and their children. Webster's dictionary defines marriage as "the mutual relation of a husband and wife: the institution whereby men and women are joined in a special kind of social and legal dependence for the purpose of founding and maintaining a family". Many of you probably grew up in a traditional family home of this kind. I have been raised in such a family and am thankful for the balance that has provided.

I have seen how a man and a woman compliment one another. My father is the leader who guides our family and enforces our family rules. My mother is the tender, compassionate one who lovingly trains us. Together they work to guide us through life; teaching us right from wrong, to choose good over evil, and to help us make sense of all that is around us. They each offer the unique perspective that being a man or a woman affords them.

In The Case for Marriage: Why Married People Are Happier, Healthier, and Better Off Financially by Maggie Gallagher and Linda J. Waite write that, "In America over the last thirty years, we've done something unprecedented. We have managed to transform marriage, the most basic and universal of human institutions, into something controversial." Once considered the cornerstone of a stable society, the importance of marriage has rapidly diminished, as it is increasingly viewed as merely one more "lifestyle".

There are some who are trying to redefine marriage, to shape it into something that will benefit them but will harm our society as a whole. Allow me to give you an example. There are those individuals who are unhappy with the gender with which they were born. Some of these individuals have gone to great lengths to redefine who they are. They may begin by changing their clothing, hair, and their name, to even having surgery to remove and/or add that which was not granted them at birth. Modern science has allowed them to try to redefine themselves. But the truth of the matter is that their DNA cannot be altered. They will always be the gender into which they were born. Looking and acting like something that was never meant to be doesn't make it so! The same holds true for marriage. Individuals of the same gender may live together, they may even be able to adopt children and call themselves a family, yet our society has never before recognized such a union. We obviously were created to function with a male and female heading up a family, without such there would not be children. Only recently has science made it possible to engineer a baby from a test tube but it must still be carried by a woman. If at any time in our history only same sex marriages occurred exclusively, we would have ceased to exist.

It is natural and normal for a man and woman to marry and begin a family. Marriage is a sacred institution to our society, with it comes responsibilities and privileges. The most crucial of these

responsibilities to our society is to produce, train, and nurture children. Whether it takes a village to raise a family is not the question. However research has shown that in order to produce healthy well-adjusted children it requires a mother and a father. Studies prove that even children raised by a single parent will struggle more academically and socially.

Research from a 2001 article in *American Sociological Review* found that children of lesbians are less likely to conform to traditional gender norms, more likely to engage in homosexual behavior, their daughters are "more sexually adventurous and less chaste", and that the co-parent relationships are more likely to end than heterosexual ones.

A 1996 study by an Australian sociologist compared children raised by heterosexual married couples, heterosexual cohabiting couples, and homosexual cohabiting couples. It found that the children of heterosexual married couples did the best, and children of homosexual couples the worst, in nine of the thirteen academic and social categories measured.

The very foundation of our nation is under attack. Our society will only continue to produce physically and emotionally healthy generations as long as traditional marriage is the norm. Without marriage being defined, as it has always been understood, we will reap a confused generation. A traditional home with a mother and father provides security and stability. It also provides a haven full of love, care, compassion, and bonds. We want our children to grow up secure and loved, not insecure and unsure of everything.

How will we prepare the next generation of families if we redefine marriage? How will a young man raised by two men understand a young lady or be able to respond to her, never having a mother to show the feminine side? Would he ever marry a young lady, not knowing what a marriage looks like between a man and a woman? A young lady raised by two men may have a dislike for women, or if raised by women perhaps not care to be around men. How can two fathers possibly teach their daughter about becoming a woman or two mothers help a son develop his masculinity? Will two fathers be able to tell a son the way a woman wants to be treated, or how to handle a woman's emotions? Two mothers will never be able to explain how the male mind functions to their daughter. Explanation can hardly take the place of experiencing a relationship with a mature man and woman. These "partnerships" that raise "families" can read all the books in the world on these issues and never be able to truly empathize, know all of the emotions, or to talk from personal experience as one mother and one father together can.

We are confusing our children. They need to know that our government accepts and endorses that which is natural and will continue to help families raise a well-adjusted generation. How do you think your grandchildren or great grandchildren will fare in the coming world if there is confusion over such a basic social issue?

If we don't define marriage as a sacred loving commitment between one man and one woman, what will happen next? Homosexual marriages, marriages involving more than two individuals, marriages between children and adults, marriages between animals and their owners or perhaps marriages between relatives.

All of these are absurd. Marriage must be defined. Without a clear definition the interpretation is then left to individuals.

It's inconceivable to me that this sacred bond between my parents might be tossed aside so casually by our society. I have grown to respect marriage so much that the thought of something other than one man and one woman bound together by love and commitment frightens me. As I prepare to finish high school and make plans for the future, getting married, having children, and raising a family are definitely apart of those. Marriage is the cornerstone of our society and should be taken seriously. If you remove the cornerstone, eventually the building will collapse. I take marriage seriously, my parents took it seriously, and I hope the state of Kansas will also take it seriously!

I ask that you advance this bill to the full house for consideration to amend the Kansas Constitution to make it very clear that marriage, as defined by Webster's, is a union of a man and a woman. Let no one confuse this sacred institution that has served us so well!

Thank you!

Testimony to:

The Kansas House Federal And State Affairs Committee

February 11, 2004

Hearing On HCR 5033

Submitted by:

Bob Hanson

Pastor of Shawnee Heights Baptist Church,

Topeka, KS

Representing:

Kansas Nebraska Convention of Southern Baptists

The churches of the Kansas Nebraska Convention of Southern Baptists passed resolutions during the October 2003 annual meeting which are in support of the effort to amend the Constitution of the State of Kansas to protect traditional marriage.

Background Information:

The Southern Baptist Convention

Since its organization in 1845 in Augusta, Georgia, the Southern Baptist Convention (SBC) has grown to over 16 million members who worship in more than 42,000 churches in the United States.

The term "Southern Baptist Convention" refers to both the denomination and its annual meeting. Working through 1,200 local associations and 41 state conventions and fellowships, Southern Baptists share a common bond of basic Biblical beliefs and a commitment to proclaim the Gospel of Jesus Christ to the entire world.

SBC Position Statement on Sexuality:

We affirm God's plan for marriage and sexual intimacy – one man, and one woman, for life. Homosexuality is not a "valid alternative lifestyle." The Bible condemns it as sin. It is not, however, unforgivable sin. The same redemption available to all sinners is available to homosexuals. They, too, may become new creations in Christ.

Southern Baptists do not believe that homosexuality is genetic or immutable. We believe life change is possible through the redeeming and life giving power of Jesus Christ. (See NARTH article at end of Appendix)

The Kansas Nebraska Convention of Southern Baptists represents 295 Southern Baptist Churches and Missions with a combined membership in the State of Kansas of over 75,000 members.

Synopsis of Resolutions (applicable to HCR 5033) approved by the Messengers of the KNCSB, assembled in Topeka, KS, October 13-14, 2003.

Resolution five:

A Commitment to exercise God given rights to public comment and encouraging Christians everywhere to vote their conscience according to the leadership of the Word of God.

Resolution Six:

A resolution to affirm that marriage is the union of one man and one woman as God intends, to oppose efforts by any court or state legislation to validate or legalize same-sex unions and encourage support of a Federal Amendment to the Constitution of the

United States.

The Foundational Issue

To redefine marriage is to redefine the very foundation God has established for human culture. Marriage defines the basic family structure of father and mother in a committed relationship to raise their children.

Marriage between a man and a woman is the basic structure that holds society together and the governmental sanctioning of same-sex unions would eventually destroy society.

Al Mohler, president of Southern Baptist Theological Seminary, has stated that marriage cannot be redefined without imperiling the culture.

"In a very real sense, marriage becomes the civilizational DNA of our social genetic structure. Beyond this, marriage serves as the basic molecular structure for human social organization."

"Though the family is extended through children and other bonds of kinship, the basic 'molecule' of human society is marriage. This molecular reality implies that the structure cannot be changed without destroying the molecule and the organism itself."

"... procreation outside traditional marriage often leads to a breakdown in security and self-identity in children and causes a number of other ills within families."

"Marriage is indispensable for the successful nurture and raising of children, both boys and girls define themselves and establish their own identity and expectations based upon their observation of both father and mother, husband and wife, male and female."

"The extension of the family through other kinship relations links one marriage to another, with the entire family finding its identity and security in the integrity of those marital bonds.

"The breaking of these bonds leads to social dissolution as well as massive economic, legal and psychological ills. The integrity of marriage is essential for children to know the security necessary for their own self-identity and sense of belonging."

Although not a Southern Baptist, Southern Baptists would concur with Bill Bennett,

"The parameters of proper sexual behavior are not arbitrary, nor are they intended to evolve. If we depart from the natural order of sexuality and the proper behavior and relationships that ensue from it, we are left with no guiding principle but the prevailing mood of the age. We are currently on the cusp of doing just that: We must decide whether we will continue to reinforce the natural sexual order in our laws or whether we

will let them cave in to arbitrary preference.

As the proponents of gay marriage are quick to point out, promiscuity, adultery, cohabitation, divorce and out-of-wedlock births have severely damaged the institution of marriage. But this is not an argument for the redefinition of marriage. That the family is struggling today is not because of a design flaw. The problem is our failure to live up to the design.

When our behavior does not live up to the standard, we have two choices: We can change our behavior or change the standard.

The homosexual movement would change the standard. This is a conflict of ideals.

The homosexual movement cannot tolerate the persistence of mores that define marriage as the union of one man and one woman, the marriage relationship as the proper context of sexual expression and the family as the unit formed around that nucleus.

To normalize homosexuality requires us to deny that man linked to woman is both natural and ideal — that it is the purpose of our human sexuality — and to affirm the aberrant view that sexuality is an arbitrary construct and choice.

The homosexual vanguard proposes to replace sexual identity — that inescapable fact of nature that we are created male and female — with sexual behavior as a fundamental organizing principle of society. And if sexual behavior is the determinant, then appetite is the guiding principle.

Without respect for sexual identity, sexual partners become nothing more than interchangeable parts, rather than complementary on the basis of nature. And if behavior and appetite are the only determinants of sexual conduct, what is the argument against polygamy, incest or any other imaginable sexual relationship?

For our custom and law, the implications of such a fundamental change are profound, but nowhere more than for marriage.”

When it comes to the question of fairness or discrimination, we believe the equal treatment argument is invalid because governments for centuries have forbidden polygamy and other abnormal marital arrangements for the good of the society.

Again, Al Mohler has stated,

"Civilization requires the regulation of human sexuality and relationships... No society - ancient or modern -- has survived by advocating a laissez faire approach to sex and

sexual relationships. Every society, no matter how liberal, sanctions some sexual behaviors and proscribes others. Every society establishes some form of sexual norm."

"...heterosexual marriage has been upheld for centuries in law and customs as well through practices deeply embedded in the structures of civil societies. Married couples have been recognized through tax incentives as well as legal support, and they also have been expected to meet certain cultural expectations throughout human history."

"Society invests both rights and responsibilities in the institution of marriage and, by its various incentives and disincentives, points towards a cultural expectation. When that expectation is something other than marriage, problems immediately arise. Government does discriminate on the basis of marriage as the government discriminates on many others foundational bases in terms of its own interest."

As Southern Baptists we have been placed in a position to state unequivocally what we believe to be true, not just because we believe it to be true but because we are standing on a platform of divine revelation and also ancient human wisdom. Scripture in clearest terms categorizes all sexual relationships outside marriage as being against God's design. The ultimate answer lies not in government, but in the grace of God that comes to all mankind through the Gospel.

Based upon the Holy Scriptures, Southern Baptists are bound to declare the inherent sinfulness of all sexual activity outside of the marital bond.

"Procreation, reproduction, child-rearing and other essential rights and functions are divinely invested in the institution of marriage. Thus, to tamper with this divinely established institution is to risk not only social peril but the divine judgment that will most surely come."

Quotes:

Al Mohler is President of Southern Baptist Theological Seminary (Louisville, KY).

Al Mohler and University of Louisville law professor Sam Marcossan presented opposing viewpoints on the legalization of same-sex "marriage" in a debate sponsored by Louisville Forum, a non-partisan public affairs group. The complete audio of the debate is available at: <http://www.sbts.edu/mohler/messages.php>.

Bill Bennett

Bill Bennett is a former secretary of Education and the author of "The Broken Hearth: Reversing the Moral Collapse of the American Family" (Random House, 2001)

APPENDIX:
(Full text of KNCSB resolutions)

RESOLUTION FIVE

Whereas Biblical Worldview believers are called not only to make disciples, but to work for cultural change by being salt and light in a fallen world.

Whereas each community has school systems, public policies and laws that are challenging the core Biblical values God has established for the family, His church and the nation.

Whereas disagreement with the world through Christ honoring discussion and debate in a free marketplace of ideas and beliefs is not bigotry.

Resolved, that each church in KNCSB be encouraged to formulate committees to support religious liberty and educate themselves and their communities on the need for informed Christian action.

Resolved, that we commit ourselves to make every effort to exercise our God given rights to public comment in editorials, school board meetings, city, county, and state governmental meetings to encourage Christian people everywhere to vote their conscience according to the Word of God.

RESOLUTION SIX

Whereas, the family, as the foundational unit of human society, is built upon God's good gift of marriage, which God defines as the lifelong union of one man and one woman; and

Whereas, Jesus states that marriage is a sacred, lifelong bond between one man and one woman and is the bedrock of a civil society'; and

Whereas, the Biblical model of the family is seriously threatened by a culture that increasingly does not view marriage only as an institution established by God and between one man and one woman; and

Whereas, Homosexuals and lesbians may have a legal right to live as they choose, they do not have the right to distort society's definition of marriage; and

Whereas, Requiring citizens to sanction or subsidize homosexual relationships violates the freedom of conscience for people of faith, and others who believe marriage is the union of one man and one woman; and

Whereas, Legalizing same-sex "marriage" would brand homosexuality as a normative lifestyle, which the Bible calls sinful and dangerous both to the individuals involved and to society at large; and

Whereas, The results of the effort to undermine the legal status of the biblical model of marriage may well be determined by un-elected judges; and

Whereas, Courts in several states, including Massachusetts and New Jersey, are considering the legalization of same-sex "marriage"; and

Whereas, The Full Faith and Credit Clause of the United States Constitution may require that marriages solemnized in one state be recognized in all fifty states; and

Whereas, It has been shown that if same-sex unions are recognized as "marriage" in a state court, then same-sex couples wishing to marry will travel to that state to "marry" and return home demanding their home state recognize their "marriages" and provide all rights and benefits afforded to couples in traditional marriages; and

Whereas, Proponents of same-sex "marriages" have indicated their intent to challenge state laws and the federal Defense of Marriage Act, which define marriage as between one man and one woman; and

Whereas, The federal Defense of Marriage Act (DOMA) cannot prevent state courts from subverting democracy and undermining marriage at the state level in states which sanction same-sex "marriage"; and

Whereas, There are very good reasons to believe that both state marriage laws and the federal Defense of Marriage Act may not survive if challenged in court; and

Whereas, The Federal Marriage Amendment is a reasonable and necessary response to the crisis created by those who are seeking to use the courts to overcome public opinion with respect to marriage and to codify same-sex "marriage"; now, therefore, be it

Resolved, That the Kansas Nebraska Convention of Southern Baptists, affirm that marriage is the union of one man and one woman as God intends; and be it further

Resolved, That we continue to oppose steadfastly all efforts by any court or state legislation to validate or legalize same-sex marriage and other equivalent unions; and be it further

Resolved, That we commit ourselves to pray for and support legislative and legal efforts to oppose the legalization of same-sex unions; and be it further

Resolved, That we call upon families to mark Marriage Protection Week, October 12-18, 2003, a week dedicated to preserving the divine institution of marriage; and

Resolved, That we call upon all families to encourage their U.S. Senators and Congressmen to support the Federal Marriage Amendment.

Article from NARTH

National Association for Research and Therapy of Homosexuality

Spitzer Study Just Published:

Evidence Found for Effectiveness of Reorientation Therapy

By Roy Waller and Linda A. Nicolosi

The results of a study conducted by Dr. Robert L. Spitzer have just been published in the *Archives of Sexual Behavior*, Vol. 32, No. 5, October 2003, pp. 403-417.

Spitzer's findings challenge the widely-held assumption that a homosexual orientation is "who one is" -- an intrinsic part of a person's identity that can never be changed.

The study has attracted particularly attention because its author, a prominent psychiatrist, is viewed as a historic champion of gay activism. Spitzer played a pivotal role in 1973 in removing homosexuality from the psychiatric manual of mental disorders.

Testing the hypothesis that a predominantly homosexual orientation will, in some individuals, respond to therapy were some 200 respondents of both genders (143 males, 57 females) who reported changes from homosexual to heterosexual orientation lasting 5 years or more. The study's structured telephone interviews assessed a number of aspects same-sex attraction, with the year prior to the interview used as the comparative base.

In order to be accepted into the 16-month study, the 247 original responders had to meet two criteria. First, they had to have had a predominantly homosexual attraction for many years, including the year before starting therapy (at least 60 on a scale of sexual attraction, with 0 as exclusively heterosexual and 100 exclusively homosexual). Second, after therapy they had to have experienced a change of no less than 10 points, lasting at least 5 years, toward the heterosexual end of the scale of sexual attraction.

Although examples of "complete" change in orientation were not common, the majority of participants did report change from a predominantly or exclusively homosexual orientation before therapy to a predominantly or exclusively heterosexual orientation in the past year as a result of reparative therapy.

These results would seem to contradict the position statements of the major mental health

organizations in the United States, which claim there is no scientific basis for believing psychotherapy effective in addressing same-sex attraction. Yet Spitzer reports evidence of change in both sexes, although female participants reported significantly more change than did male participants.

The statistical and demographic details of the respondents include the following:

The study did not seek a random sample of reorientation therapy clients; the subjects chosen were volunteers.

Average ages: men, 42, women, 44.

Marital status at time of interview: 76% men were married as were 47% of the female respondents. 21% of the males and 18% of the females were married before beginning therapy. 95% were Caucasian and 76% were college graduates.

84% resided in the United States, the remaining 16% lived in Europe.

97% were of a Christian background, 3% were Jewish, with an overwhelming 93% of all participants stating that religion was either "extremely" or "very" important in their lives.

19% of the participants were mental health professionals or directors of ex-gay ministries.

41% reported that they had, at some time prior to the therapy, been "openly gay." Over a third of the participants (males 37%, females 35%) reported that at one time, they had had seriously contemplated suicide due to dissatisfaction with their unwanted attractions. 78% had publicly spoken in favor of efforts to change homosexual orientation.

Employing a 45-minute telephone interview of 114 closed end questions, each requiring either a yes/no answer or calling for a scaled rating of between 1 and 10, Spitzer's study focused on the following areas: sexual attraction, sexual self-identification, severity of discomfort with homosexual feelings, frequency of gay sexual activity, frequency of desiring a same-sex romantic relationship, frequency of daydreaming of or desiring homosexual activity, percentage of masturbation episodes featuring homosexual fantasies, percentage of such episodes with heterosexual fantasizing, and frequency of exposure to homosexually-oriented pornographic materials.

In addition, participants were asked to react to a series of possible reasons for desiring change from homosexual orientation to heterosexuality as well as being asked to assess their marital relationships.

Some of the findings of the Spitzer study, particularly regarding motivations for change, included:

The majority of respondents (85% male, 70% female) did not find the homosexual lifestyle to be emotionally satisfying. 79% of both genders said homosexuality conflicted with their religious beliefs, with 67% of men and 35% of women stated that gay life was an obstacle to their desires either to marry or remain married.

Although all of the participants had been sexually attracted to members of the same sex, a

certain percentage (males 13%, females 4%) had never actually experienced consensual homosexual sex. More of the male respondents (34%) than females (2%) had engaged in homosexual sex with more than 50 different partners during their lifetime. Further, more of the men than women (53% to 33%) had never engaged in consensual heterosexual sex before the therapy effort.

Dr. Spitzer said the data collected showed that, following therapy, many of the participants experienced a marked increase in both the frequency and satisfaction of heterosexual activity, while those in marital relationships noted more emotional fulfillment between their spouses and themselves.

As for completely reorienting from homosexual to heterosexual, most respondents indicated that they still occasionally struggled with unwanted attractions--in fact, only 11% of the men and 37% of the women reported complete change. Nevertheless this study, Spitzer concludes, "clearly goes beyond anecdotal information and provides evidence that reparative therapy is sometimes successful."

Spitzer acknowledges the difficulty of assessing how many gay men and women in the general population would actually desire reparative therapy if they knew of its availability; many people, he notes, are evidently content with a gay identity and have no desire to change.

Is reorientation therapy harmful? For the participants in our study, Spitzer notes, there was no evidence of harm. "To the contrary," he says, "they reported that it was helpful in a variety of ways beyond changing sexual orientation itself." And because his study found considerable benefit and no harm, Spitzer said, the American Psychiatric Association should stop applying a double standard in its discouragement of reorientation therapy, while actively encouraging gay-affirmative therapy to confirm and solidify a gay identity.

Furthermore, Spitzer wrote in his conclusion, "the mental health professionals should stop moving in the direction of banning therapy that has, as a goal, a change in sexual orientation. Many patients, provided with informed consent about the possibility that they will be disappointed if the therapy does not succeed, can make a rational choice to work toward developing their heterosexual potential and minimizing their unwanted homosexual attractions."

Is reorientation therapy chosen only by clients who are driven by guilt--that is, what's popularly known as "homophobia"? To the contrary, Spitzer concludes. In fact, "the ability to make such a choice should be considered fundamental to client autonomy and self-determination."

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Mr Chairman, House Federal and State Affairs Committee, News Media and distinguished guests

I am here today to speak in favor of the proposed constitutional marriage amendment.

This issue must be put before the people. The courts should not legislate. That is why we have elected our representatives. The courts are pushing an anti-social agenda that will destroy what is naturally normal and advocate what is unnatural.

Let me state that same sex marriages do not threaten my marriage of 47 years, that I celebrated yesterday. It does open a broad road down a slippery slope for the future when young people are taught in school and in the courts that perversion is normal. It is my strong conviction from studying this situation that there are a number of injustices being perpetrated on our nation if same sex marriages become acceptable as well as legal.

It is unjust to accept such unions. Why? Justice requires giving equal treatment to that which is the same. Homosexual unions are not the same as heterosexual marriages. Not only is it unjust it is irrational. Why is it irrational? It is irrational because the very fabric of American society is threatened by this abnormal behavior. History shows, and cannot be denied that nations that come to accept homosexuality as a normal lifestyle no longer exist as a leading nation or empire. Homosexuality is immoral. It serves to hurt everyone. God made man and woman. Homosexuality is unnatural --- physiologically, reproductively and genetically.

If God had only made two men that's all there would have been and we wouldn't be here.

The most deadly aspect of allowing same sex marriages to become acceptable and politically correct is the court redefining the meaning of marriage. When marriage is redefined morality is redefined. There will be no bases upon which a society can build a secure and stable foundation for its homes. If marriage can be redefined in this way what is going to keep the courts from saying that polygamy is acceptable as many Islamic nations have done. Where will it end? If we do not draw the line on this foundational issue where will it be drawn?

Now let me address a practical aspect of the problem that will be so monumental that it must be considered. The problems same-sex marriages will create financially with our governmental agencies whether they are local, state or federal will be insurmountable. A Social Security worker stated that same-sex marriages could bring the agency to its knees financially. There are all sorts of legal entanglements that will arise. The chaos will be devastating financially as well as socially. Please bring to pass the possibility of a state constitutional marriage amendment stating that marriage is with one man and one woman. Let me close by saying as a Baptist pastor, Christian and citizen of the U.S.A. I will fight for the right of every citizen to believe what he or she wants. But when their belief and actions are forced upon society in such a manner that it destroys the foundation upon which this great nation was built I must speak out for what will reinforce the values that made this nation great. Therefore, I implore and ask you to pass this amendment so it can be presented to the citizens of Kansas so their voice can be heard.

Pat Bullock, Director of Association Missions
Heart of Kansas Southern Baptist Association
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Questions and Answers: What's Wrong With Letting Same-Sex Couples "Marry?"

Presented by: Quentin Martin, Topeka, KS

Questions and Answers: What's Wrong With Letting Same-Sex Couples "Marry?"

There are two key reasons why the legal rights, benefits, and responsibilities of civil marriage should not be extended to same-sex couples.

The first is that homosexual relationships are not marriage. That is, they simply do not fit the minimum necessary condition for a marriage to exist--namely, the union of a man and a woman.

The second is that homosexual relationships are harmful. Not only do they not provide the same benefits to society as heterosexual marriages, but their consequences are far more negative than positive.

Either argument, standing alone, is sufficient to reject the claim that same-sex unions should be granted the legal status of marriage.

• **Let's look at the first argument. Isn't marriage whatever the law says it is?**

No. Marriage is not a creation of the law. Marriage is a fundamental human institution that predates the law and the Constitution. At its heart, it is an anthropological and sociological reality, not a legal one. Laws relating to marriage merely recognize and regulate an institution that already exists.

Haven't scholars discovered that some cultures *have* recognized same-sex unions?

There is some evidence that a few cultures have tolerated and even celebrated homosexual behavior in certain contexts (particularly between men and boys). In a few cases, these practices have included some sort of pairing ritual. But the important point is that in *none* of these cultures was such a ritual seen as the moral and social *equivalent* of lifelong heterosexual marriage.

A careful study of such claims by scholars Peter Lubin and Dwight Duncan has shown that of these purported same-sex unions:

- Some were ritualized ways of dealing with what was clearly seen as deviant behavior
- Some were temporary relationships or initiation rites, with an expectation that the partners would later enter an enduring heterosexual marriage
- Some involved relationships in which there is no evidence of sexual contact
- Some were clearly viewed with disgust by the vast majority in the society (such as the

same-sex "marriage" of the decadent Roman emperor Nero)

• Most occurred in remote, primitive, preliterate tribes of the type that practice infanticide, cannibalism, or headhunting.

These obscure and exaggerated examples of "same-sex unions" provide no precedent whatsoever for treating homosexual partnerships as the full equivalent of marriage, which is what pro-homosexual activists demand.

- But isn't marriage just a way of recognizing people who love each other and want to spend their lives together?

If love and companionship were sufficient to define marriage, then there would be no reason to deny "marriage" to unions of a child and an adult, or an adult child and his or her aging parent, or to roommates who have no sexual relationship, or to groups rather than couples. Love and companionship are usually considered integral to marriage in our culture, but they are not sufficient to define it as an institution.

- All right--but if you add a *sexual* relationship to love and companionship, isn't that what most people would consider "marriage?"

It's getting closer but is still not sufficient to define marriage.

In a ruling handed down June 26, 2003, the U. S. Supreme Court declared in *Lawrence v. Texas* that sodomy laws (and any other laws restricting private sexual conduct between consenting adults) are unconstitutional. Some observers have suggested that this decision paves the way for same-sex "marriage." But in an ironic way, the Court's rulings that sex need not be (legally) confined to marriage undermine any argument that sex alone is a defining characteristic of marriage. Something more must be required.

- So--what IS marriage, then?

Anthropologist Kingsley Davis has said, "The unique trait of what is commonly called marriage is social recognition and approval ... of a couple's engaging in sexual intercourse and bearing and rearing children."

Marriage scholar Maggie Gallagher says that "marriage across societies is a public sexual union that creates kinship obligations and sharing of resources between men, women, and the children their sexual union may produce."

Canadian scholar Margaret A. Somerville says, "Through marriage our society marks out the relationship of two people who will together transmit human life to the next generation and nurture and protect that life."

Another Canadian scholar, Paul Nathanson (who is himself a homosexual), has said, "Because heterosexuality is directly related to both reproduction and survival, ... every human societ[y] has had to *promote* it actively Heterosexuality is always *fostered* by a cultural norm" that limits marriage to unions of men and women. He adds that people "are wrong in assuming that any society can do without it." [emphasis in original]

Are you saying that married couples who don't have children (whether by choice, or because of infertility or age) aren't really "married?" If we deny marriage to same-sex couples because they can't reproduce, why not deny it to those couples, too?

A couple that doesn't want children when they marry *might* change their minds. Birth control might fail for a couple that uses it. A couple that appears to be infertile may get a surprise and conceive a child. The marital commitment may deter an elderly man from conceiving children with a younger woman outside of marriage. Even a very elderly couple is of the structural type (i.e., a man and a woman) that could theoretically produce children (or could have in the past). And the sexual union of all such couples is of the same *type* as that which reproduces the human race, even if it does not have that effect in particular cases.

It must be admitted that society's interest in marriages that do not produce children is less than its interest in marriages that result in the reproduction of the species. However, we still recognize childless marriages because it would be an invasion of a heterosexual couple's privacy to require that they prove their intent or ability to bear children.

There is no reason, though, to extend "marriage" to same-sex couples, which are of a structural type (two men or two women) that is incapable--ever, under any circumstances, regardless of age, health, or intent--of producing babies naturally. In fact, they are incapable of even engaging in the type of sexual act that results in natural reproduction. And it takes no invasion of privacy or drawing of arbitrary upper age boundaries to determine that.

Another way to view the relationship of marriage to reproduction is to turn the question around. Instead of asking whether actual reproduction is essential to marriage, ask this: If marriage *never* had *anything* to do with reproduction, would there be any reason for the government to be involved in regulating or rewarding it? Would we even *tolerate* the government intervening in such an intimate relationship, any more than if government defined the terms of who may be your "best friend?" The answer is undoubtedly "no"--which reinforces the conclusion that reproduction is a central (even if not obligatory) part of the social significance of marriage.

Indeed, the facts that a child cannot reproduce, that close relatives cannot reproduce safely, and that it only takes one man and one woman to reproduce, are among the reasons why people are barred from marrying a child, a close blood relative, or a person who is already married. Concerns about reproduction are central to those restrictions on one's choice of marriage partner--just as they are central to the restriction against "marrying" a person of the same sex.

- But people can also reproduce *without* getting married. So what is the *purpose* of marriage?

The mere biological conception and birth of children are not sufficient to ensure the reproduction of a healthy and successful society. Paul Nathanson, the homosexual scholar cited above, says that there are at least five functions that marriage serves--things that every culture *must* do in order to survive and thrive. They are:

- Foster the bonding between men and women
- Foster the birth and rearing of children
- Foster the bonding between men and children
- Foster some form of healthy masculine identity
- Foster the transformation of adolescents into sexually responsible adults

Maggie Gallagher puts it more simply, saying that "children need mothers and fathers" and "marriage is the most practical way to get them for children."

- But why should homosexuals be denied the right to marry like anyone else?

Homosexuals already have exactly the same "right" to marry as anyone else. Marriage license applications do not inquire as to a person's "sexual orientation."

However, the freedom of homosexuals to marry is subject to the same restrictions as anyone else, as well. No one is free to marry simply any willing partner. Every person is legally barred from marrying a child, a close blood relative, a person who is already married, or a person of the same sex.

The fact that a tiny but vocal minority of Americans desire to have homosexual "marriages" does not mean that they have a "right" to them, any more than the desires of other tiny

(but less vocal) minorities of Americans give them a "right" to pedophilic "marriages," incestuous "marriages," or polygamous "marriages."

- Isn't prohibiting homosexual "marriage" just as discriminatory as prohibiting interracial marriage, like some states used to do?

This analogy is not valid at all. The purpose of laws against interracial marriage (miscegenation) was to protect the social system of racial segregation, not to protect the nature of marriage. Preserving "racial purity" was an unworthy goal, and certainly not one of the fundamental purposes of marriage common to all human civilizations. Uniting men and women, on the other hand, is both a worthy goal and one fundamental to the nature of marriage.

- Hasn't the nature of marriage already changed dramatically in the last few generations? In defending "traditional marriage," aren't you defending something that no longer exists?

It's true that American society's concept of marriage has changed, especially over the last fifty years. But not all change is positive, and our experiences in that regard may be instructive. Consider some of the recent changes to the institution of marriage--and their consequences:

- The divorce revolution has undermined the concept that marriage is a life-long commitment. As a result, there's been an epidemic of broken homes and broken families, and the consequences have been overwhelmingly negative.
- The sexual revolution has undermined the concept that sexual relations should be confined to marriage. As a result, there's been an epidemic of cohabitation, sexually transmitted diseases, abortions, and broken hearts, and the consequences have been overwhelmingly negative.
- The concept that childbearing should be confined to marriage has been undermined. As a result, there's been an epidemic of out-of-wedlock births, single parenthood, and fatherless children, and the consequences have been overwhelmingly negative.
- The pornography revolution, particularly with the advent of the Internet, has undermined the concept that a man's sexual fantasies should be directed toward his wife. As a result, there's been an epidemic of broken relationships, abused wives, and sex crimes, and the consequences have been overwhelmingly negative.

And now there is social and political pressure to redefine what constitutes marriage itself. What grounds does anyone have for thinking that the consequences of that radical social revolution, unprecedented in human history, would be any more positive than the consequences of the much less sweeping changes already described?

- Why does "defending marriage" and "defending the family" require opposing same-sex unions? How does a homosexual union do any harm to *someone else's* heterosexual marriage?

It may come as a surprise to many people, but homosexual unions often have a more direct impact on heterosexual marriages than you would think. For example, the *Boston Globe* reported June 29, 2003, that "nearly 40 percent" of the 5,700 homosexual couples who have entered into "civil unions" in Vermont "have had a previous heterosexual marriage."

Of course, it could be argued that many of those marriages may have ended long before a spouse found their current homosexual partner. And some may assume that no opposite-sex spouse would *want* to remain married to someone with same-sex attractions. Nevertheless, the popular myth that a homosexual orientation is fixed at birth and unchangeable may have blinded us to the fact that many supposed "homosexuals" have, in fact, had perfectly functional heterosexual marriages. And as *Globe* columnist Jeff Jacoby points out, "In another time or another state, some of those marriages might have worked out. The old stigmas, the universal standards that were so important to family stability, might have given

them a fighting chance. Without them, they were left exposed and vulnerable."

But isn't the number of homosexuals too small for same-sex unions to have much impact on other people's marriages?

It's probably true that the percentage of marriages that fail because of the desire of one spouse to pursue a homosexual relationship will always be fairly small.

The most significant impact of legally recognizing same-sex unions would be more indirect. Expanding the definition of what "marriage" is to include relationships of a homosexual nature would inevitably, in the long run, change people's concept of what marriage is, what it requires, and what one should expect from it. These changes in the popular understanding of marriage would, in turn, change people's behavior both before and during marriage.

- How would allowing same-sex couples to marry change society's concept of marriage?

For one thing, it would reinforce many of the negative changes described above. As an example, marriage will open wide the door to homosexual adoption, which will simply lead to more children suffering the negative consequences of growing up without both a mother and a father.

Among homosexual men in particular, casual sex, rather than committed relationships, is the rule and not the exception. And even when they do enter into a more committed relationship, it is usually of relatively short duration.

In addition, studies have shown that even homosexual men who are in "committed" relationships are not sexually faithful to each other. While infidelity among heterosexuals is much too common, it does not begin to compare to the rates among homosexual men. The National Health and Social Life Survey, the most comprehensive study of Americans' sexual practices ever undertaken, found that 75 percent of married men and 90 percent of married women had been sexually faithful to their spouse. On the other hand, a major study of homosexual men in "committed" relationships found that only seven out of 156 had been sexually faithful, or 4.5 percent.

So to the other pillars of marriage that have already fallen, the idea that marriage should be a sexually exclusive and faithful relationship would undoubtedly be added--with, again, overwhelmingly negative consequences for Americans' physical and mental health.

If you want people to be faithful and monogamous, shouldn't you grant same-sex couples the right to marry in order to encourage that?

Some have argued that marriage will change the behavior of homosexuals, but it is far more plausible that the behavior of homosexuals will change people's idea of marriage, further undermining the concepts that marriage is a lifelong commitment and that sex should be confined to marriage.

The entire "gay liberation" movement has been but a part of the larger sexual liberation movement whose fundamental tenet is that anybody should be able to have sex with anybody they want any time they want. To suggest that the crowning achievement of that pro-homosexual movement--obtaining society's ultimate stamp of approval through civil marriage--is suddenly going to result in these "liberated" homosexuals settling down into faithful, monogamous, childrearing is foolishly naive.

Don't homosexuals need marriage rights so that they will be able to visit their partners in the hospital?

The idea that homosexuals are routinely denied the right to visit their partners in the hospital is nonsense. When this issue was raised during debate over the Defense of Marriage Act in 1996, the Family Research Council did an informal survey of nine hospitals in four states and the District of Columbia. None of the administrators surveyed could recall a single case in which a visitor was barred because of their homosexuality, and they were

incredulous that this would even be considered an issue.

Except when a doctor limits visitation for medical reasons, final authority over who may visit an adult patient rests with that patient. This is and should be the case regardless of the sexual orientation or marital status of the patient or the visitor.

The only situation in which there would be a possibility that the blood relatives of a patient might attempt to exclude the patient's homosexual partner is if the patient is unable to express his or her wishes due to unconsciousness or mental incapacity. Homosexual partners concerned about this (remote) possibility can effectively preclude it by granting to one another a health care proxy (the legal right to make medical decisions for the patient) and a power of attorney (the right to make all legal decisions for another person). Marriage is not necessary for this. It is inconceivable that a hospital would exclude someone who holds the health care proxy and power of attorney for a patient from visiting that patient, except for medical reasons.

The hypothetical "hospital visitation hardship" is nothing but an emotional smokescreen to distract people from the more serious implications of radically redefining marriage.

Don't homosexuals need the right to marry each other in order to ensure that they will be able to leave their estates to their partner when they die?

As with the hospital visitation issue, the concern over inheritance rights is something that simply does not require marriage to resolve it. Nothing in current law prevents homosexual partners from being joint owners of property such as a home or a car, in which case the survivor would automatically become the owner if the partner dies.

An individual may leave the remainder of his estate to whomever he wishes--again, without regard to sexual orientation or marital status--simply by writing a will. As with the hospital visitation issue, blood relatives would only be able to overrule the surviving homosexual partner in the event that the deceased had failed to record his wishes in a common, inexpensive legal document. Changing the definition of a fundamental social institution like marriage is a rather extreme way of addressing this issue. Preparing a will is a much simpler solution.

Don't homosexuals need marriage rights so that they can get Social Security survivor benefits when a partner dies?

The Social Security system originally provided a pension benefit to workers based on their actual earnings during their career. In 1939, Congress added a "survivor" benefit, which provided payments to the widow and/or children of a worker or retired worker who had died, even if the survivor(s) had not had any employment earnings of their own.

It is ironic that activists are now seeking Social Security survivor benefits for homosexual partners, in light of the fact that Congress had originally intended them as a way of supporting a very traditional family structure--one in which the husband worked to provide the family's cash income while the wife stayed home to keep house and raise the children. Social Security survivor benefits were designed to recognize the non-monetary contribution made to a family by the homemaking and child-rearing activities of a wife and mother, and to ensure that a woman and her children would not become destitute if the husband and father were to die.

The Supreme Court ruled in the 1970s that such benefits must be gender-neutral. However, they still are largely based on the premise of a division of roles within a couple between a breadwinner who works to raise money and a homemaker who stays home to raise children.

Apart from the fundamental reason that homosexual relationships do not benefit society in the way that heterosexual marriages do, there are several other reasons why these specific benefits should not be granted to homosexual couples. One is that very few homosexual couples organize their lives along the lines of such a "traditional" division of labor and roles. Indeed, since the entire pro-homosexual movement is the fruit of a sexual revolution and a gender roles revolution premised on attacking such traditional family forms, few if any homosexual couples are likely to even desire a division of labor like that envisioned under

Social Security. They are far more likely to consist of two earners, each of whom can be supported in old age by their own personal Social Security pension.

Furthermore, far fewer homosexual couples than heterosexual ones are raising children at all, for the obvious reason that they are incapable of natural reproduction with each other. This, too, reduces the likelihood of a traditional division of labor among them. Some homosexuals do raise children--either their own biological offspring (conceived in previous heterosexual relationships or through artificial reproductive technologies), or children adopted by them, where such adoptions are legal. But this is a practice that places children at risk of developmental problems and exposure to an unstable home environment, and it should therefore not be encouraged through government subsidies.

Survivor benefits for the legal (biological or adopted) children of homosexual parents (as opposed to their partners) are already available under current law, so "marriage" rights for homosexual couples are unnecessary to protect the interests of these children themselves.

- What about the argument that homosexual relations are harmful? What do you mean by that?

Homosexual behavior is directly associated with higher rates of promiscuity, physical disease, mental illness, substance abuse, child sexual abuse, and domestic violence. There is no reason to reward such behavior by granting it society's ultimate affirmation--the status of civil marriage--or any of its benefits.

For more information on the harmful consequences of homosexual behavior, see the following publications by FRC's Senior Fellow for Marriage and Family Studies, Dr. Timothy J. Dailey:

Dark Obsession: The Tragedy and Threat of the Homosexual Lifestyle (Nashville: Broadman and Holman, 2003).

"Homosexuality and Child Sexual Abuse," *Insight* (Washington: Family Research Council, 2002)

"The Negative Health Effects of Homosexuality," *Insight* (Washington: Family Research Council, 2001)

"Homosexual Parenting: Placing Children at Risk," *Insight* (Washington: Family Research Council, 2001)C

Peter Sprigg is director of the Center for Marriage and Family Studies at the Family Research Council.



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Testimony in Support of HCR 5033

Chairman Mason and members of the committee:

Thank you for the opportunity to testify in favor of HCR 5033, which would amend our State Constitution to include a definition of marriage. My name is Mike Farmer and I am the Executive Director of the Kansas Catholic Conference, the public policy office of the Catholic Church in Kansas.

I find it very troubling that we now find it necessary to define in the Constitution our most basic human and social institution. Though we have seen it regulated by civil laws and Church laws, it did not originate from either the Church or state, but from God. Therefore, neither Church nor state can alter the basic meaning and structure of marriage.

The state rightly recognizes this relationship as a public institution in its laws because the relationship makes a unique and essential contribution to the common good. Laws play an educational role insofar as they shape patterns of thought and behavior, particularly about what is socially permissible and acceptable.

When marriage is redefined so as to make other relationships equivalent to it, the institution of marriage is devalued and further weakened. To uphold God's intent for marriage, in which sexual relations have their proper and exclusive place, is not to offend the dignity of homosexual persons. Christians must give witness to the whole moral truth and oppose as immoral both homosexual acts and unjust discrimination against homosexual persons.

The state has an obligation to promote the family, which is rooted in marriage. Therefore, it can justly give married couples rights and benefits it does not extend to others. It would be wrong to redefine marriage for the sake of providing benefits to those who cannot rightfully enter into marriage.

Some benefits currently sought by persons in homosexual unions can already be obtained without regard to marital status. For example, individuals can agree to own property jointly with another, and they can generally designate anyone they choose to be a beneficiary of their will or to make health care decisions in case they become incompetent.

MOST REVEREND GEORGE K. FITZSIMONS, D.D.
DIOCESE OF SALINA

MOST REVEREND RONALD M. GILMORE, S.T.L., D.D.
DIOCESE OF DODGE CITY

MOST REVEREND MARION F. FORST, D.D.
RETIRED

MOST REVEREND JAMES P. KELEHER, S.T.D.
Chairman of Board
ARCHDIOCESE OF KANSAS CITY IN KANSAS

MICHAEL P. FARMER
Executive Director

MOST REVEREND THOMAS J. OLMSTED, J.C.D., D.D.
DIOCESE OF WICHITA

MOST REVEREND EUGENE J. GERBER, S.T.L., D.D.
RETIRED

MOST REVEREND IGNATIUS J. STRECKER, S.T.D.

HS Federal & State Affairs
February 11, 2004
Attachment 13

Marriage, the nature and purposes of which are established by God, can only be the union of a man and a woman and must remain such in law. In a manner unlike any other relationship, marriage makes a unique and irreplaceable contribution to the common good of society, especially through the procreation and education of children. The union of husband and wife becomes, over a lifetime, a great good for themselves, their family, communities and society. Marriage is a gift to be cherished and protected.

Across times, cultures and very different religious beliefs, marriage is the foundation of the family. The family, in turn, is the basic unit of society. Thus, marriage is a personal relationship with public significance.

I therefore urge this committee to wholeheartedly endorse this amendment to our State Constitution and to recommend HCR 5033 favorable for passage.

Thank you.

A handwritten signature in blue ink that reads "Mike Farmer". The signature is enclosed within a hand-drawn, irregular blue oval.

Michael P. Farmer
Executive Director

My name is Harold W. Smith, I reside at 4216 SW Cambridge Avenue, Topeka, KS 66610. I have lived my entire life in the state of Kansas. I am currently a retired business owner. I remember when all churches, homes and cars were unlocked in our small Western Kansas town and 50% of all marriages were made up of women and the other 50% were men.

Who would believe back then that the day would come that we would stand before this committee and ask you to pass an amendment to our Kansas Constitution, stating that the sacrament of marriage is only between one man and one woman.

Because of what occurred in the State of Massachusetts, when their Supreme Court demanded that their legislatures change the constitution to conform to their ruling which recognized gay marriages, then we can no longer standby and simply wait for something similar to happen to us.

Over the years we have had to protect those things, we which we consider valuable, by installing security alarm systems. Please give the voters of this great state of Kansas the opportunity to protect themselves from continuing attacks on traditional marriage by passing Resolution No. 5033.

Thank you,



Harold W. Smith
February 11, 2004

Testimony before Committee
State House
February 11, 2004
Topeka, Kansas

by:

Doug Robinson
127 E 19th St
Lawrence, KS 66046

*First
Territorial
Senate*

I am a resident of Lawrence. I live in the homestead of the first mayor of Lawrence and the first ~~President of the Senate of the then newly formed State of Kansas~~ *Senator from Lawrence*. Five generations of my own family have lived in this same house. As I sit and think in the rooms of my home built in 1857, I try to understand the distance of time and era and the similarities of the political discourse of that era and our own. We gather here in this historic place to contemplate the necessity of defining the meaning of a word used throughout human history to mean the legal, and lifelong relationship of a man and a woman.

As a television journalist in San Francisco, over a period of many years, I gained an eyewitness education into the world views, methods and personal lives of those who would advocate for same-sex marriage. To be candid, honest, and accurate: advocacy for same-sex marriage originally came from segments of organized religion before the concept found traction in the Gay, Lesbian, Bi-sexual, Transgendered and Inquiring movement.

It is also my on-going observation that the portion of those in that movement who would participate in same-sex marriage, given the legal right, is small. To assume that all or even most homosexual people desire homosexual marriage is a very inaccurate perception, just as it would be a mistaken approach to think that all segments of organized religion desire to redefine marriage. Or mistaken to think that all heterosexual couples who live together without the benefits of marriage would marry tomorrow if it were legal, when indeed marriage is currently sanctioned by the state and available to them.

The irony of ironies is that only a small segment of the GLBTI population would choose to "marry" given the legal right. What is really happening is that increasing numbers of non-gay, non-bi-sexual and non-transgendered people are living together as couples without choosing to marry when the moral, and legal status of marriage is already available to them as heterosexuals. As a culture we used to call it "shacking up" and the term had negative connotations when referring to these heterosexuals.

I was an eyewitness, as a reporter, to the first Civil Unions performed in San Francisco where Gay clergy openly performed a religious ceremony inside of City Hall. Each

couple proceeded down the elegant flight of marble stairs as their names were read. One couple, that very first day was made up of three women. If the word couple now means three, then why not four or more? During that service, Harry Britt said from the podium in City Hall, on that Valentines Day, that the greatest problem, now that they had obtained Domestic Partner legal rights was their own fear as gay and lesbian people of commitments. The president of the School Board proclaimed that henceforth Valentines Day would be known as Domestic Partner's day in the public schools of San Francisco.

If it is true that increasingly more and more citizens are abstaining from the institution of marriage as it already exists, why is there a push to broaden the definition of marriage? Where does this advocated necessity to redefine terms and legal sanctions come from?

In my university training at San Francisco State University to become a journalist, we were told that it was the moral responsibility of those using the broadcast spectrum to bring social change by the redefining of and replacing of the words used to describe occupations, relationships and institutions. For example it has recently become morally unacceptable to refer to "animal owners" or "pet owners" in a news story in many major television markets. Reporters are now expected to use the designation of animal guardian, as the use of the term "animal owner" implies that one species can own another predicated on the idea that all humans are just another type of animal.

As we sit here in Kansas, we may be aware of the many efforts now underway in various places to redefine the relationship between the rancher and his stock. Ranchers in Kansas may not take too seriously those who advocate for cattle rights, but it would be a grave mistake to think that one diseased animal in the North West could have no affect on the Kansas economy simply because that animal with Mad Cow disease did not reside in Kansas. Likewise it is a mistake, with grave consequences, to think that the actions of the Supreme Court of the State of Massachusetts could have no consequences in our home State of Kansas.

As part of my duties, as a journalist covering San Francisco politics, I attended many candidates forums. In one of these public forums, Libby Denebeim, a Catholic mother of six was seeking reelection to the San Francisco Board of Education. Mrs. Denebeim stated that the public schools had no business promoting the very idea of marriage between a man and a woman because marriage was not just a human idea, but it came from God. In her view, which was and continues to be, the dominate guiding philosophy of that Board of Education, all human sexual relationships have equal standing in the public schools. She cited the idea that separation of Church and state morally required her, as a Catholic mother of six, to not allow the ideas about marriage, as taught by the Catholic Church, into the public schools. She believed that since the idea of marriage originally came from God, it must be uninvited from the public square. With that mindset we may as well remove all references to the wildlife, flint hills or the fertile plains of Kansas from public education, since many believe that these features of our world were formed by God. Last I checked, the State Board of Education in Kansas is not that progressive.

Where does the responsibility lie for the effort to redefine marriage in our statutes and courtrooms? Where did this notion that gay marriage must be a civil right come from? Believe me, it does not come from the bathhouses, leather bars, or sex clubs of the homosexual subculture. Why is it that many promiscuous gay and lesbian people now demand the right to marry? It is a matter of the redefinition of our language and legal practice to attempt to reduce the meaning of any and all marriages. In Gay Speak for many, many years the term monogamous has a different meaning than that held by the general public. In Gay Speak, monogamous is a term meaning primary rather than exclusive. So if a man has sex with another man he does not even know, he is still monogamous as long as he has a primary sexual partner. He can have sex with 10 other men in a week and still be monogamous in the terminology of Gay Speak. Bishop Swing, from Grace Cathedral in San Francisco, stood next to me in a legislative hearing like this one and told those elected officials that as a minister he had a moral responsibility, above mere civil law, to marry those who love each other and desire marriage. He wanted to make it very clear where he stood as an Episcopal Bishop, so he stated that he would perform incestuous marriages between fathers and sons in the Cathedral even if such unions were not sanctioned by the government because He was answerable to a higher principle. He said the Church had no right to question the sexual love a father might have for his son. Where did the first voices raised in behalf of gay marriage come from? Where were those voices first heard? Not in the gay bars, oh no. The liberal theology in many churches had for decades already been dissecting and questioning the idea that the Bible was the very Word of God. It was liberal segments of organized religion that first advocated gay marriage out of a misguided compassion for troubled people in broken relationships.

If there is no God, and He has not spoken Truth to us, if we are not accountable to Him, than anything goes and we might as well get on with it and go with the flow. Let everyman do what is right in his own eyes.

As I have visited with many, many homosexuals in their homes and apartments, as I have done interviews as a journalist, I see relationships where one party always, over time, exploits and manipulates the other. Lesbians can have all the conferences and seminars they want about Butch /Fem cycles, but they cannot stop the relationship dynamics that push their own relationships into unhealthy co-dependency, domination and exploitation. They cannot cleanse themselves of bitterness and resentments if they marry a hundred times in a hundred gay churches. Only a contrite heart and the gift of forgiveness can break those inevitable and unhappy cycles.

In all the years I have been observing, studying and writing about the gay subculture, I have never met or even heard about a gay male who entered a same-sex relationship as a virgin and never had sex with another male after that first relationship. If monogamous means primary rather than exclusive, and some Church-sanctioned marriage can openly promote incest and sodomy, then we, as a culture, are in the process of tearing down all the fences and something akin to Mad Cow disease is taking the herd. As a people, we

are losing our boundaries and losing track of who we are and why we are here in a desire to explore the unknown and to reject the known.

But if we are created by a loving God with designs for our welfare and understand that there indeed is a difference between health and disease, between right and wrong, between law and lawlessness not because we decide, but because our creator has told us how to live. If we know these things to be true, then we must not run from acknowledging that those who honor God more will not love their fellow citizens less. Indeed it is the God fearing citizens are most capable of great sacrifice on behalf of God and Country. Let us now be people who fear God more than men and in so doing do uphold and provide for what is best for the lives of our people. For God gives grace and forgiveness to a repentant people, but in his courts His considered judgment is always the final word.

Remarks Presented to the Committee on Federal and State Affairs, on Wednesday, February 11, 2004, in Opposition to House Concurrent Resolution No. 5033

Mr Chairman; Honorable Members of the Committee:

I appear before you representing only myself, but in a larger sense, I represent thousands of Kansans whose civil rights are threatened by HCR 5033.

I refer to the 2nd and 3rd sentences of Paragraph 16, Section 1 of the proposed Amendment, which state, "Marriage shall be constituted by one man and one woman only and the rights, privileges, and incidents of marriage shall inure only to the benefit of parties to such a marriage. All other marriages are declared to be contrary to the public policy of this state and are void." These sentences specifically deny gay and lesbian couples the right to hospital visitations, survivor benefits, inheritance, and child custody, as well as the responsibilities of marriage and civil unions. Are these couples not entitled to the same civil rights as you?

For nearly 30 years, the American Medical Association, the American Psychiatric Association,

and the American Psychological Association have stated that Homosexuality is not a mental disorder, and that for most gays and lesbians it was never a matter of choice; rather, it is our natural, God-given state. (Pedofilia and bestiality are, indeed, mental disorders, and are entirely outside the scope of this proposed Amendment.)

If you accept this long-established FACT, then it follows that requiring a homosexual person to choose a person of the opposite sex as a lifemate, is as outrageous as requiring a heterosexual to choose a lifetime partner of the same sex.

You may argue that marriage is primarily for the purpose of procreation, and that families add to the stability of the State. No one disagrees with that point, nor would the civil union of a gay or lesbian couple in any way affect it. And, indeed, many heterosexual married couples, either by choice or by necessity, do not have children. Our own esteemed retired Senator Bob Dole and his wife, now Senator Elizabeth Dole, are but one example.

You may argue for the sanctity of marriage. Yet over 60% of all married heterosexual couples divorce within the first 7 years. And Brittany Spears can get married one day and divorced the next. Just where is

the sanctity in that?! Perhaps, rather than this anti-gay Resolution, you should draft legislation making marriage more binding on heterosexual couples!

And by contrast, I can show you gay couples who have been quietly, respectfully living together for 15—20—25 years and longer. Many of them have reared or are rearing stable, heterosexual children, either their own or adopted. There is not one shred of scholarly research or scientific evidence to support the contention that children being reared by two parents of the same sex, are less well-adjusted than children reared by heterosexual couples, or that such children are more likely to be abused or “made gay.”

Two men or two women wishing to publicly declare their love and commitment to each other for the remainder of their lives!

How on earth this commitment could harm the institution of marriage, is beyond rational understanding.

All that is left, then, is the irrational—or religious belief that marriage should be only between a man and a woman. If that is your position, then amend Section 1, Paragraph 16 of this Resolution to state

that the Marriage Contract is to be considered a Religious Contract; then strike the remainder of Paragraph 16 which specifically denies the civil rights of thousands of gay and lesbian Kansans who presently live or wish to live in committed, loving, long-term relationships! Better yet, simply vote against this mean-spirited amendment.

Thank you for your attention and consideration.

J. L. Cleland
14656 118th. Road
Hoyt, Kansas 66440

Resolution to Amend the Constitution Defining Marriage HCR 5033

Forrest Swall, Lawrence, KS

Retired

February 11, 2004

House Committee on Federal and State Affairs

I am here to oppose the adoption of **HCR 5033**. While I am speaking for myself and my wife, I want to acknowledge that I am a member of the Lawrence-Topeka chapter of PFLAG, (Parents, Families, and Friends of people who are lesbian, gay, bisexual and transgendered). This is a national organization with chapters in every state and nearly 500 chapters nationwide.

My wife and I have three adult children. Two of these children are heterosexual and have been in stable marriages for a number of years. One of our two daughters is lesbian. She and her companion have been in a stable marriage relationship longer than our other two children. We regard Tara and her companion, Kasey, to be just as married as our younger daughter Maria and her husband Doug, and our son Ron and his wife Terry.

The purpose of PFLAG organization mentioned earlier is threefold: 1) to provide support to our children and others who are sexually diverse, 2) to provide education to the larger community regarding our children and friends who are LGBT, and to advocate for equal rights for all citizens regardless of their diversity.

Perhaps the most significant flaw in the proposed resolution that it is unnecessary. The legislature has already adopted measures that prevent civil marriages between same-sex couples. Same-sex couples do not now, nor will they in the foreseeable future enjoy the right of legalizing their relationships.

So why has this proposal been introduced?

The resolution before you represents a clear message to our family and to all people of sexually diversity, and their families, the message is not simply they should not be entitled to the "equal rights" protections guaranteed by our state constitution and the constitution of the U.S., the message is that certain people will go to great lengths to further condemn and deny certain citizens any hope for ever of securing equality in our society.

I believe that this message of denial and condemnation along with the stated purpose and intent of the proposed constitutional amendment is wrong, and further that the proposal and the reasoning behind the proposal will serve to achieve just the opposite of what the sponsors say they intend.

HS Federal & State Affairs
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Attachment 17

We know that somewhere between two and ten percent of our population is other than straight-heterosexual. In Kansas with a population of 2.5 million or so, we can reasonably estimate that between 25 thousand and 250 thousand are LGBT. (Between 5 and 15 members of this legislative body may be lesbian, gay, bisexual or transgendered.)

We know that more and more same-sex couples/families are living openly in their communities and their neighborhoods.

We know that same-sex couples are having and rearing children and that these children are as well adjusted and healthy as are the children of those of us among the more privileged hetero-sex couples/families. We know that the children of same-sex families turn out to be straight or gay in the same proportions as with other families. We know that these families participate in neighborhood activities as well as community enterprises.

We know that more and more private and public employers are acknowledging the rights of people who are LGBT and are granting them employment benefits as granted to the rest of us.

One in every four of our families has a member who is by orientation lesbian, gay, bisexual or transgendered. In this elected body 41 plus families have a member who is LGBT. By now all of us know someone, most of us have friends and or colleagues or co-workers who are LGBT. Most of us have, or will be, associated unknowingly with people who are LGBT in our work, places where we shop, our social relationships, civic organizations, churches and in all of life.

But there is a dark side for many of our families and their members who are gay. That dark side is the constant presence of fear at some level because of the hate generated by those who seek to maintain a denial of equal rights. This is a fear that is manifest in the ongoing, seldom acknowledged violence and harassment of students who are gay or are perceived to be gay, in our schools.

It is a fear that is reflected in the reluctance of school boards to include "sexual orientation" in their policies on nondiscrimination. It is a fear that stops local and state governments in Kansas from adding sexual orientation and gender identity to their policies on non-discrimination. The city of Lawrence and the Lawrence School District are, as far as I know, the only two entities in their class that have added sexual orientation to their policies of non-discrimination.

In eastern Kansas we live under an umbrella of fear and hate created and maintained by the messages and demonstrations of Fred Phelps and the Westboro Baptist Church here in Topeka. Fred Phelps is known the nation over, and beyond, for his hateful and disparaging messages and behaviors toward people of sexual diversity and those of us who live lives of inclusion and support. The proposal before the Committee comes straight from the message of hate all of us in this community have come to know so well

Let there be no mistake, while Fred Phelps may not be “the sponsor” of the proposed constitutional amendment those who support the proposal, whether intentionally or unconsciously, serve his purposes and the purposes of those who seek to demean those of us whose families embrace the message of love and acceptance within the Christian faith and the faiths of other world religions.

Society is strengthened and stabilized by good marriages. Marriages serve to organize society into workable units of mutual support and encouragement as well as responsibility.

Society is well served when it does in fact support strong marriages with willing and energetic encouragement and help, when needed, to enable marriages to become and remain strong, durable, stable and supportive for the personal successes of all its members. Conversely, society is wounded when marriages are not supported by society, family and friends etc. and flounders on the rocks of ill-advised decisions to marry, lack of place and support or obstacles such as active opposition.

We saw the wounding and the destructive influences in racially mixed marriages. Many of these were built on relationships of love and affection that characterize the best of marital relationships. But many of these dissolved due to the anger and hatred of family members, “friends,” ministers and others who disagreed with the concept of loving across racial barriers.

All too often the disagreements over mixed race marriages were based on the same teachings that now seek to undermine same-sex relationships; and teachings that have the same shallow, artificial, empty and destructive foundations that were designed to destroy relationships that crossed the racial lines.

Active support of strong marriage relationships serves to stabilize society itself. What society gains from such strong marriage relationships between heterosexual partners, it stands to gain from same-sex marriages as well. We do ourselves, and our society, a great disservice when we create devices that serve to undermine the relationships between loving and committed companions.

Denying one segment of our people the same opportunity to form durable and contributing partnerships on the basis of such a superficial and bigoted foundation, simply will not stand that test. Society will pay a price far greater in the destructive damage done us all in allowing bigotry to masquerade as morality.

Given the current marriage success rate of 50%, it appears that society cares little whether heterosexual marriages succeed or fail. Matching or exceeding such a miserable success rate in same-sex marriages should be relatively easy to achieve. Even so I believe that we can do better in all of our marriages, but not by creating destructive institutional barriers to success.

"We-the-People" means all of us. None of us is a second class citizen deserving to be abused by those who "outrank" us. We create our own disasters by allowing each other with agendas that dare not exposed plainly and honestly to dictate what will not help, and will in fact damage the social fabric on which we must all depend.

The resolution, if adopted, betrays a fundamental principle of governmental freedom and fairness: **that all citizens must be given equal protection under the law.**

Fairness, lawfulness and doing what is consistently helpful must be our course. The other way is disaster for us all. We will win together or fail together. Either way, it will be together.

I prefer winning and sooner seems better than later.

I believe we can do better than to institutionalize further through a constitutional amendment the denial of equal rights to a substantial proportion of our citizenry.