

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:30 a.m. on Wednesday, March 17, 2004, in Room 313-S of the Capitol.

All members were present except:

Senator David Haley - Arrived 9:35

Committee staff present:

Mike Heim, Kansas Legislative Research Department
Jill Wolters, Office of the Revisor Statutes
Helen Pedigo, Office of the Revisor Statutes
Diana Lee, Office of the Revisor Statutes
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Senator Tim Huelskamp
Representative Kathe Decker
Representative Janice Pauls
Reverend Bob Hanson, Kansas Nebraska Convention of Southern Baptists and Pastor of Shawnee Heights Baptist Church, Topeka
Reverend Richard Jenkins, First Southern Baptist Church, Coffeyville
Doug Robinson, Lawrence
Reverend Pat Bullock, Heart of Kansas Southern Baptist Association
Judy Smith, State Director, Concerned Women for America of Kansas
Briana Olds, Manhattan
Dr. R. L. Baynham, President, Kansas Missionary Baptist State Convention of Kansas
Reverend Bo Merlin, Assemblies of God of Kansas
Cecil Washington, Pastor of The New Beginning Baptist Church, Topeka
Mike Farmer, Executive Director, Kansas Catholic Conference (written testimony)
Dr. Jack Jacob, Topeka (written testimony)
Harold Smith, Topeka business owner (written testimony)
Dr. Walter Schumm, Kansas State University
Quentin Martin, Topeka, Ks. (written testimony)
Diane Silver, Freedom Coalition
Bruce Ney, Lawrence attorney
Bonnie Cuevas, Parents, Family & Friends of Lesbians and Gays
Sandra Stenzel, Director of Economic Development for Trego County
Pedro Irigonegaray, Topeka Attorney
Rabbi Berry Albin, Kansas City, Ks.
Tiffany Muller, Kansas Unity & Pride Alliance
Representative Jan Scoggins-Waite
David Greenbaum, Lawrence
Lacey Keller, Seaman High School, Topeka
J. L. Cleland, Hoyt, Ks.
Reverend David Grimm, Unitarian Universalist Fellowship of Manhattan
Paul Osgood, Merriam, Ks.
Mary Corcoran, Lawrence
Tom Cyphert, Topeka (written)
Gwendolyn Evans, GLBT Democrat Caucus, Topeka (written)
Steve Brown, President, Kansas Democratic (written)
Brenda Godsey, Junction City (written)
Rev. Thomas Belote, Shawnee Mission Unitarian Universalist Church (written)
Dr. Ernest A Benson, Pastor, East Topeka United Methodist Church and Ashbury Mt. Olive United Methodist Church (written)
Deb Taylor, Lawrence Alliance (written)
Steve Pinkerton, Topeka (written)
Lawrence Hurlbert, Leavenworth (written)

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE at 9:30 a.m. on Wednesday, March 17, 2004, in Room 123-S of the Capitol.

Eleanor Harris, Stillwell, Ks. (written)
Dr. Dean Cook, Jr., Topeka (written)
Dusty Rhodes, Wichita (written)
Beverly Cole, Salina (written)
Jason Chaika and Terry Bowers, Topeka (written)
Janis McMillen, League of Women Voters of Kansas (written)
Tymber (Lynn) Dhans, Lawrence (written)
Linnea Johnson, Topeka (written)
Ruben Cajanda, Lawrence (written)
Ruth Linscheid, Newton (written)
Margaret Childs, Douglas County (written)
Christopher Renner, Manhattan (written)
Christine Baker, Manhattan (written)
Joann Steuver, Wichita (written)
Jamie Oller, student from Lawrence High School (written)
Anna Holcombe, Kansas National Organization for Women (written)
Regina Brokman, Topeka (written)
Benedette Koslover, Topeka (written)
The Revs. Nicholas Warner and Amy Lippoldt, Trinity United Methodist Church, Hutchinson (written)
Donna Swall, Lawrence, Ks. (written)

Others attending: See attached list.

HCR 5033 - Constitutional amendment; state recognizes only marriage between a man and a woman

Chairman Vratil opened the hearing on **HCR 5033**. Senator Tim Huelskamp testified in support of the proposed legislation. He stated that the ideal of a committed and loving husband and wife, nurturing their children, was the cornerstone of every society. He added that for all generations, marriage has meant one thing which is the union of one man and one woman. He asked that Kansans be given the right to vote on this amendment at the earliest possible time on the August ballot. (Attachment 1)

Representative Kathe Decker spoke in favor of **HCR 5033**. She said other states have had statutes defining marriage, and when challenged in court were found lacking in their protection of marriage as we know it. Weakening the traditional family system devalues the importance of marriage between a man and a woman, lessening responsibility for children and taking the mantle of commitment away. (Attachment 2)

Representative Janice Pauls testified in support of the proposed bill. She explained that the proposed amendment would place into the Kansas Constitution the present law in Kansas regarding marriage. All other marriages are declared to be contrary to the public policy of Kansas and are void. The only reason this proposal for a constitutional amendment was being made was to raise this traditional definition of marriage to a constitutional level. (Attachment 3)

Rev. Bob Hanson, Kansas Nebraska Convention of Southern Baptist and Pastor of Shawnee Heights Baptist Church in Topeka, spoke in favor of **HCR 5033**. He stated that Southern Baptists do not believe that homosexuality is genetic or immutable. (Attachment 4)

Rev. Richard Jenkins, Coffeyville, testified in support of the proposed legislation. He believed that the proposed amendment is reasonable and does not violate the separation of church and state, and that religious people were not trying to force their views on others. He stated that to make any other relationship equal to marriage was to go against nature and reason, everything we have ever known in our nation's history, in civilization itself, and in the world's great religions. He concluded that a matter of such importance is something that should not be forced on people by judicial action, and this amendment will prevent that from happening in Kansas. (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE at 9:30 a.m. on Wednesday, March 17, 2004, in Room 123-S of the Capitol.

Doug Robinson, Lawrence, testified in support of **HCR 5033**. He stated that what was at stake was not just marriage, but the conflict was really between competing world views. He said the gay movement was about much more than sexual activity for it is primarily concerned with questioning and redefining what it means to be human, and it is not a passive thoughtfulness, but a vigorous movement on the march. (Attachment 6)

Rev. Pat Bullock, Heart of Kansas Southern Baptist Association, spoke in favor of the proposed bill. He stated that the courts should not legislate this issue; that it must be put before the people. The courts are pushing an anti-social agenda that will destroy what is normal and advocate what is unnatural. He concluded by saying he must speak out for what will reinforce the values that made this nation great. Rev. Bullock said he would fight for the right of every citizen to believe what he or she wants; however, those beliefs and actions are being forced on society in a manner that destroys the foundation upon which this great nation was built. (Attachment 7)

Judy Smith, Concerned Women for America of Kansas, testified in support of **HCR 5033**. She said that marriage as an institution pre-dates law. It was an entity before the Ten Commandments, before the Code of Hammurabi, before any of the ancient civilizations. Men and women under law can marry whether or not they view it as religious. Ms. Smith expressed that the Legislature has the opportunity to strengthen the institution of marriage and protect from judges who want that would like to refashion marriage to their design. (Attachment 8)

Brianna Olds, home-educated high school student from Manhattan, spoke in favor of the proposed legislation. She reminded the Committee members that when America was founded there was not a need to define marriage by the government. She pointed out that Webster's dictionary defined 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". She stated that without a clear definition of marriage, the interpretation will then be left to the individuals. (Attachment 9)

Dr. R. L. Baynham, Kansas Missionary Baptist State Convention of Kansas, testified in support of **HCR 5033**. He stated that there must be principles and standards we adhere to or else society will always be changing the standard to fit changing desires and ambitions. (Attachment 10)

Rev. Bo Melin, Assemblies of God in Kansas, appeared in favor of the proposed legislation. 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. He stated that whenever a society ignores God's natural order suffers the consequences of its own choices. (Attachment 11)

Pastor Cecil Washington, The New Beginning Baptist Church, Topeka, testified in support of **HCR 5033**. He said he was distressed that the African American struggle was being diluted by the constant attempt to equate African American rights with homosexual rights. It was definitely not the same struggle. He stated that the United States of America and its government were founded on Biblical principles, and as a result, have grown stronger and lasted longer than any nation or other form of government. (Attachment 12)

Due to time limitations, the following conferees submitted their testimony as written in support of **HCR 5033**:

Mike Farmer, Kansas Catholic Conference (Attachment 13)
Dr. Jack M. Jacob, Topeka (Attachment 14)
Harold Smith, Topeka business owner (Attachment 15)

Quentin Martin, Topeka (Attachment 16)
Dr. Walter Schumm, Kansas State University (Attachment 17)

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE at 9:30 a.m. on Wednesday, March 17, 2004, in Room 123-S of the Capitol.

Diane Silver, Freedom Coalition, testified in opposition to **HCR 5033** because it writes discrimination into the Kansas Constitution, the state already has a law banning same-sex marriages, and that state law can only govern civil marriage. She shared her experiences in losing her partner to breast cancer, and the problems incurred with getting custody of her partner's son and other legal and financial hardships. ([Attachment 18](#))

Bruce Ney, Lawrence attorney, spoke against the proposed legislation. At a time when the Kansas economy remains sluggish, the state should be doing its best to attract new businesses and expand existing ones. **HCR 5033** does nothing to achieve that goal. He added that the bill makes our communities' efforts to attract new business even more difficult and sends the wrong message to businesses: "companies with gay or lesbian employees are not welcome in Kansas." ([Attachment 19](#))

Bonnie Cuevas, Parents, Family & Friends of Lesbians and Gays, testified in opposition to **HCR 5033**. Revising the Constitution to ensure discrimination against anyone in American is wrong and should be rejected. Mrs. Cuevas shared that she and her husband are a mixed race couple, have been married for 35 years, and have two sons; one heterosexual and one gay. She said it was important to distinguish between a marriage that is performed by a church and a legal marriage as licensed by the government. If people of the same sex are permitted to have government-authorized marriages, no church will be compelled to recognize or bless the relationship. She related reasons that access to equal legal recognition of same-sex couple is important. ([Attachment 20](#))

Sandra Stenzel, Director of Economic Development for Trego County, spoke in opposition to the proposed legislation. She stated that laws are made according to the will of the majority, but the Kansas Constitution is a permanent document that guarantees protection for those who chose a different path in life, whether that path is to embrace a religion or idea that is not popular, or a domestic lifestyle that is a political "hot potato". ([Attachment 21](#))

Pedro Irigonegary, Topeka attorney, testified against **HCR 5033** proposed amendment. He said the amendment was not necessary as the state's laws already deny civil marriage to same-sex couples. He explained the state's regulator authority is not unlimited, it's police power is not absolute, and the people give government its power, not the other way around. Gay individuals are a minority who are unable to achieve equality under the law; however, government has a duty to ensure that all citizens of our state are provided the equal protection of law found in our national and state constitutions. ([Attachment 22](#))

Rabbi Barry Albin, Kansas City attorney and Rabbi of the Nasorean Orthodox Quahal, spoke in opposition of the proposed legislation. Rabbi Albin said the bill was contrary to the Kansas Bill of Rights, Article 1, Section 1. He shared that already two states, Vermont and Massachusetts, have agreed to have at least civil unions between persons of the same-sex, and he expects Oregon, California, and New York to join that group this year. ([Attachment 23](#))

Tiffany Muller, Kansas Unity and Pride Alliance, testified in opposition to **HCR 5033**. She pointed out that this amendment had been pushed through the House with such speed that there was not even a fiscal note attached to the amendment. She said it was estimated that the total cost to send this to the public for a vote was around \$1 million, and suggested those funds could be better spent on the education plan or the general budget. ([Attachment 24](#))

Representative Jan Scoggins-Waite testified against **HCR 5033**. As legislators, we are at the Capitol to build bridges and not to single out a certain segment of society, categorizing them into a group of second class citizens. She shared that she had two very successful sons, one of which is gay. She expressed that the constitutional amendment would deny the right of many Kansans to marry the person they love, and it would deny my right to see my son marry the person he loves. ([Attachment 25](#))

David Greenbaum, Lawrence, spoke in opposition to the proposed bill. He said he and his partner were married in June 1999 in their synagogue. He explained that Reform Judaism, as well as Reconstructionist Judaism, support both civil and religious marriages of members of the same gender. He stated that voting against this amendment did not mean a legislator supports same sex marriage, a vote against this

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE at 9:30 a.m. on Wednesday, March 17, 2004, in Room 123-S of the Capitol.

amendment means you as lawmakers trust future legislators to determine what, if any, legal recognition same sex relationships will have in the future. ([Attachment 26](#))

Lacey Keller, Seaman High School student, Topeka, testified in opposition to **HCR 5033**. She explained how coming from a small town in North Central Kansas where ethnic and cultural diversity was not a strong point. She shared that after moving to Topeka five years ago, she learned to understand about sexual orientation through a girl who explained to a group of friends at school her sexual orientation. Ms. Keller stated that passing an amendment that denies civil right and liberties to a select few would be ironic as this is the 50th anniversary of *Brown v. Topeka Board of Education*. ([Attachment 27](#))

J. L. Cleland, Hoyt, Ks., appeared in opposition to **HCR 5033**. He gave statistics that GLBT (gay, lesbian, bi-sexual, transgender) people represent between 4% and 10% of the general population. He stated that did not choose to be born, nor did he choose to be gay. He said being gay is not a choice, and it is not a lifestyle. He asked that the Legislature provide a mechanism whereby GLBT couples can have the same privileges and responsibilities as married heterosexual couples, whether you call it a civil union, a domestic partnership, or whatever. He emphasized that this would only be fair and equal treatment of all citizens. ([Attachment 28](#))

Rev. David Grimm, Unitarian Universalist Fellowship of Manhattan, testified against the proposed bill. He told the Committee the benefits and rights that come with marriage including automatic inheritance rights, assumption of spouse's pension, bereavement leave, insurance breaks, tax break, divorce protections, etc. These benefits and rights are currently not available to same-sex persons who choose to live as a couple. He said that married citizens would be outraged if those rights were taken away, and related that to same gender marriages that do not have any of those benefits or rights under the law. ([Attachment 29](#))

Paul Osgood, Merriam, Kansas, testified in opposition to **HCR 5033**. He shared that he and his partner had been together for 28 years, and felt that their committed relationship was sacred as well. He said he hoped the citizens of Kansas could move beyond hate to acceptance. ([Attachment 30](#))

Mary Corcoran, Lawrence, spoke in opposition to the proposed bill. She stated that **HCR 5033** is divisive, distracts from more pertinent issues in the state, and rekindles hostilities and bias. She said that this bill was a drastic and unnecessary measure that would single out a class of people who already have laws that restrain them. ([Attachment 31](#))

Due to time restraints, the following conferees submitted their testimony as written in opposition to **HCR 5033**:

Tom Cyphert, Topeka ([Attachment 32](#))

Gwendolyn Evans, GLBT Democrat Caucus, Topeka ([Attachment 33](#))

Steve Brown, President, Kansas Democratic ([Attachment 34](#))

Brenda Godsey, Junction City ([Attachment 35](#))

Rev. Thomas Belote, Shawnee Mission Unitarian Universalist Church ([Attachment 36](#))

Dr. Ernest A Benson, Pastor, East Topeka United Methodist Church and Ashbury Mt. Olive United Methodist Church ([Attachment 37](#))

Deb Taylor, Lawrence Alliance ([Attachment 38](#))

Steve Pinkerton, Topeka ([Attachment 39](#))

Lawrence Hurlbert, Leavenworth ([Attachment 40](#))

Eleanor Harris, Stillwell, Ks. ([Attachment 41](#))

Dr. Dean Cook, Jr., Topeka ([Attachment 42](#))

Dusty Rhodes, Wichita ([Attachment 43](#))

Beverly Cole, Salina ([Attachment 44](#))

Jason Chaika and Terry Bowers, Topeka ([Attachment 45](#))

Janis McMillen, League of Women Voters of Kansas ([Attachment 46](#))

Tymber (Lynn) Dhans, Lawrence ([Attachment 47](#))

Linnea Johnson, Topeka ([Attachment 48](#))

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE at 9:30 a.m. on Wednesday, March 17, 2004, in Room 123-S of the Capitol.

Ruben Cajanda, Lawrence (Attachment 49)
Ruth Linscheid, Newton (Attachment 50)
Margaret Childs, Douglas County (Attachment 51)
Christopher Renner, Manhattan (Attachment 52)
Christine Baker, Manhattan (Attachment 53)
Joann Steuver, Wichita (Attachment 54)
Jamie Oller, student from Lawrence High School (Attachment 55)
Anna Holcombe, Kansas National Organization for Women (Attachment 56)
Regina Brokman, Topeka (Attachment 57)
Benedette Koslover, Topeka (Attachment 58)
The Revs. Nicholas Warner and Amy Lippoldt, Trinity United Methodist Church, Hutchinson (Attachment 59)
Donna Swall, Lawrence, Ks. (Attachment 60)

Chairman Vratil expressed his appreciation to everyone for their attendance and cooperation in holding this hearing. He announced that the Committee intended to work **HCR 5033** the following Friday, March 19, 2004.

The Chair adjourned the meeting at 10:30 a.m. The next scheduled meeting is Thursday, March 18, 2004.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Weds, March 17, 2004

NAME	REPRESENTING
Barry Albin	Constituent of Senator Haley
Dave Palmany	FLAG VIDEO
Michelle Roberts	Washburn Rural High
Margaret H. Childs	constituent of Senator Buhler
BOB HANSON	SHAWNEE HIGHLANDS BAPT KANSAS NEBRASKA CONV. OF SOUTHERN BAPT.
Richard Jenkins	1st S. Baptist Church - Coffeyville, KS
Jim Robinson	Christian Challenge - Coffeyville, KS manhattan, KS
David Erwin	UNITARIAN UNIVERSALIST fellowship
Paul Osgood	myself
Derry Cundiff	myself
Ruben B. Cajandab Jr.	Lawrence High School Gay Straight Alliance Club.
Tom Birt	Lawrence High School Enrichment Facilitator
Julia Lee	LAWRENCE HIGH SCHOOL Gay - Straight Alliance
Channing Burgess	Lawrence High School student
Christian Smith	Lawrence High School Lawrence Gay - Straight Alliance
Jamie Oller	Lawrence High School Lawrence Gay Straight Alliance
Jennifer Windmeyer	4311 W. Indiana StopHate.org Shane Windmeyer
Jen Davies	humanity
Larry Harlbort	humanity / myself

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Weds., March 17, 2004

Pg 2

NAME	REPRESENTING
Julene Miller	A.G.'s office
Tanig McMillan	League of Women Voters Kansas
Tom Cypriant	Topeka Equal Justice Coalition
Connie L. Riley	Myself
Luke Whitton ORTH	SELF
Jason Chaika	Kansas Unity and Pride Alliance
Terry Bowers	Unity Boulevard
Shawn Bennett	People of Kansas
Bruce May	Self
Garpis Olds Olds	self
Travis Besrden	everyone
Dusty Rhodes	PFLAG - W. CHICAGO
GRAYLAN Keefe	People Empowerment - FMCC
Ruth Linscheid	Parents
Joann S. Stuever, asc	Concerned Citizen
KADENA Surber	Concerned Citizen
Mary McEann	Concerned Parent/Grandparent
Roberta A. Sweslge	ACLU
Meredith Olds	Self

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Weds., March 17, 2004

Pg. 3

NAME	REPRESENTING
Kathy Olds	self
Brianna Olds	Those who do not want to see our country crumble.
Ray L. Johnson	God.
James J Keller	Myself & Bethel Bp Church
J. H. Cleland	myself
Hiram Stockwell	myself
Karl Cocoran	self
Holly Sontag	myself
Wanda	self
Anna M. Kramer	self
Bruce Dimmitt	self
Shannon Stone	citizen
Dr. Jacu Jacob	Self / Beaman Baptist Church / Joy 88 Radio
Rev. Anthony Barber	Shiloh Baptist Church / Joy 88 Radio
Elizabeth Daniels	self
Chris Simmell	self
TIMOTHY BORGERS	SELF & FAMILY
QUENTIN MARTIN	SELF & FAMILY
Steve Lynkerton	self

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Weds., March 17, 2004

pg 4

NAME	REPRESENTING
Cecil T. Washington Jr.	The New Beginning Bapt. Ch.
Tom Roberts	Fairlawn Heights Wesleyan Church
Harry Busey	Topeka Free Methodist Church
Terry W Stafford	Topeka free Methodist church
Dr. E. Alan Benson	Topeka Fellowship Churches
Joyce Swig	East Topeka United Methodist Church
Alexis Turrap	PFLAG
Graham Kreicker	Self
Jonathan Miller	Self
Ben Felton	Self
Ben Williams	Self
Daniel Packard	Self
Barb Siegfried	self
Mike Jennings	"
Anna Holcombe	Kansas National organization for Women
Kathleen Laughotey	self
Janet Small	PFLAG
Jana Small	PFLAG
TODD D. REEVES	KUPA / SELF

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Weds, March 17, 2004

Pg. 5

NAME	REPRESENTING
Lacey Keller	Self
Harold W. Smith	"
BO Madlin	KS Assembly of Self
Margaret Holdeman - Lawrence	Self
Richard Ammer Ph.D.	KUFA
Rev. Thomas Belote	Shawnee Mission UU Church
Barbara A. Saldovar	Christians for Life
Janet Ruth Cook	PFLAG.
Regina Brobman	GLBT DEMOCRATIC CAUCUS.
GWENDOLYN L. EVANS	GLBT DEMOCRATIC CAUCUS
Redus J. (Rugan) May	LAWYER
Janey Mann	Author
Alison Lee	Self.
Todd Heath	the enlightened populace of KS
Melanie Manares	
Katy Seesee	Cowboy
Karen Gutierrez	
Kathy Mathew	
Jesse Paine	Self

P.O. Box 579, Fowler, KS 67844
(620) 646-5413 thuelska@ink.org
(810) 821-2712 (fax)

State Capitol-128-S
Topeka, KS 66612-1504
(785) 296-7359 (800) 432-3924



STATE OF KANSAS

Senator Tim Huelskamp

Committee Assignments

Information Technology, Chairman
Agriculture, Vice Chairman
Kansas Legislative Education
& Research, President
Elections & Local Government
Medicaid Reform Task Force
Natural Resources
Natural Resources Legacy Alliance

Senate Judiciary Committee – Hearing on HCR 5033

TAM

Mr. Chairman and fellow Senators:

I don't believe anyone will argue here today that marriage is not important. That is, of course, why we are discussing this amendment -- because marriage is something very significant.

And for all generations, marriage has meant one thing -- the union of one man and one woman. It is the most enduring human institution. It has been celebrated, honored and protected in every culture, religious faith, and nation. The ideal of a committed and loving husband and wife, nurturing their children, has been the cornerstone of every society.

As such, marriage is too important to be left to those who wish to redefine it. It is too important to leave unprotected from those who seek to appropriate its prestige and honor. It is too important to be left to the aims of a non-elected judiciary. And is too important to our children -- to our future -- to allow it to be taken away.

There will be those who oppose this amendment protecting marriage. They will say it isn't necessary, that we have a Defense of Marriage Act, or that homosexual "marriage" will never be an issue in Kansas.

But this litany is similar to that heard not long ago in the state of Massachusetts... in Cook County, Illinois... in Portland, Oregon... New Paltz, New York... San Francisco, California... Benton County, Oregon... Asbury Park, New Jersey... Bernalillo, New Mexico... Seattle, Oregon... in Canada. In each of these, marriage licenses have been issued or will be soon recognized for homosexual and perhaps other arrangements.

Senators, on a matter of such importance as marriage and the future of our society, the voice of the people of Kansas demand to be heard. If we are to protect our sacred institution of marriage, and to provide a proper place to raise our children, we must enact this constitutional amendment.

And please, there is no time to wait. Courts across this nation are poised for the opportunity to redefine marriage into oblivion. Give the people of Kansas their right to vote on this amendment -- at the earliest possible time -- on the August ballot. I am confident then that a vast majority of Kansans will speak with clarity -- in favor of the traditional institution of marriage.

Thank you, Mr. Chairman.

Senate Judiciary

3-17-04

Attachment 1

KATHE DECKER
 1415 8TH STREET
 CLAY CENTER, KANSAS 67432
 (785) 632-5989
 FAX 785-632-5989
 E-mail: decker@house.state.ks.us



TOPEKA
 HOUSE OF
 REPRESENTATIVES

REPRESENTATIVE, SIXTY-FOURTH DISTRICT
 CLAY, DICKINSON, GEARY,
 AND RILEY COUNTIES

STATE CAPITOL
 ROOM 303-N
 TOPEKA 66614-1504
 (785) 296-7637

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. 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 over an issue that is so important to our heritage.

In the 1960's divorce laws were changed making the dissolution of a marriage much easier. I strongly believe we are seeing the effects of that in our society today. The number one indicator of a child being at risk for school failure, drug or alcohol abuse or involvement in crime is poverty and a one parent home. Clay County, where I live has a population of approximately 9,000. According to research I have done lately for another project we have 250 single parent households representing approximately 700 youth in our school system which has an enrollment of 1,422. You can do the math.

Weakening the traditional family system further devalues the importance of marriage between a man and a woman, lessening responsibility for children and taking the mantle of commitment away.

Rep. Kathe Decker
 64th District

Kathe Decker

Senate Judiciary

3-17-04

Attachment 2

NICE L. PAULS

REPRESENTATIVE, DISTRICT 102

TOPEKA ADDRESS:

STATE CAPITOL, SUITE 272-W

TOPEKA, KANSAS 66612-1504

(785) 296-7657

HUTCHINSON ADDRESS:

1634 N. BAKER

HUTCHINSON, KANSAS 67501-5621

(620) 663-8961



TOPEKA

HOUSE OF
REPRESENTATIVESRANKING MINORITY MEMBER:
JUDICIARYMEMBER:
HOUSE RULES AND JOURNAL
TRANSPORTATION
JOINT HOUSE AND SENATE COMMITTEE
ON JUVENILE JUSTICE AND CORRECTIONS
OVERSIGHT
JOINT HOUSE AND SENATE COMMITTEE
ON ADMINISTRATIVE RULES AND
REGULATIONS
JOINT HOUSE AND SENATE COMMITTEE
ON REDISTRICTING

KANSAS SENTENCING COMMISSION

**Testimony before the
Senate Judiciary Committee
Regarding
House Concurrent Resolution 5033
on
March 16, 2004**

Chairman Vratil, Vice Chairman Pugh, Ranking Minority Member Greta Goodwin, 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.

Section 1(a) of the bill basically states our current policy in Kansas, that the only valid marriage in Kansas is that between only one man and one woman.

Section 1(b) No relationship other than a marriage between one man and one woman shall be recognized by the state as being entitled to the ~~benefits~~ [rights, benefits, privileges and incidents] of marriage.

This Section 1(b) provides that no other relationship would be entitled to receive the benefits, privileges of marriage. This addresses only an "entitlement" so obviously companies could voluntarily provide additional benefits. However, the state of Kansas would not provide these benefits, nor could a company be forced to provide these benefits. I believe everyone here is very familiar with this concept of an entitlement. (For example, under the state employment laws, if an employer wanted to provide overtime pay at 30 hours, they could do so, but would only be required to overtime pay at 40 hours.) Only those in a valid marriage in Kansas would be entitled to receive the benefits of marriage. So, if a company offered spousal and family benefits in a health insurance plan the company would not be required to offer the same benefits to homosexual partners, but could if the company wanted to do so.

Senate Judiciary

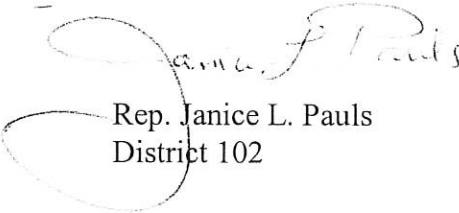
3-17-04Attachment 3

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

Testimony to:

The Kansas Senate Judiciary Committee

March 16, 2004

Hearing On HCR 5033

Submitted by:

Bob Hanson

Pastor of Shawnee Heights Baptist Church,

Topeka, KS

Representing:

Kansas Nebraska Convention of Southern Baptists

Senate Judiciary

3-17-04

Attachment 4

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.

During the Kansas Nebraska Convention of Southern Baptists (KNCSB) Annual Meeting, October 13-14, 2003 at Western Hills Baptist Church in Topeka, Kansas, messengers from the churches of the KNCSB passed Resolution #6 which supports the effort for a Federal Amendment to the Constitution of the United States. This resolution includes language that equally applies to the effort to amend the Constitution of the State of Kansas to protect traditional marriage. (Please see the full text of resolution #6 in the appendix at the end of this document).

Important note:

While the October 2003 KNCSB Annual State Convention voted to pass Resolution # 6 - a resolution in favor of a federal amendment to protect marriage, the following supportive information is offered on my own initiative to offer wider other support and resources from the greater religious and secular community at large.

Three Foundational Issues

First and foremost, to redefine marriage is to redefine the very foundation God has established for human culture. As stated above, 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.

Although not a Southern Baptist, Bill Bennett has stated this very succinctly in his op-ed piece published online by Empower America on March 17, 2003.

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.”

Given the reasons just mentioned, if all were truly honest, there would have to be the open admission that same-sex marriage will never be able to be equated with heterosexual marriage. They are simply not the same thing, nor does the homosexual community truly have the same expectations for marriage that the majority of heterosexual couples do as the following two examples show.

We admit that there are problems with the state of marriage in America. A recent CNN news show reports that 50% of all marriages have had to deal with adulterous relationships with one spouse or the other. However, the gay community, particularly male homosexual relationships expect and celebrate “openness” in their “committed relationships.” According to the February 1988 Lambda Report p. 20 an article on research done by A.P. Bell, M.S. Weinberg and Hammersmith reveals findings that don’t even begin to compare with heterosexual relationships. According to the article:

- * 24 percent of gay men had over 100 partners
- * 43 percent of gay men had over 500 partners
- * 28 percent of gay men had over 1000 partners

Stanley Kurtz in his article “Beyond Gay Marriage” in the Weekly Standard (08/04/2003, Vol 008, Issue 45) points out where we are going as a nation if we continue to go in the direction of accepting gay marriage as a nation.

Among the likeliest effects of gay marriage is to take us down a slippery slope to legalized polygamy and “polyamory” (group marriage). Marriage will be transformed into a variety of relationship contracts, linking two, three, or more individuals (however weakly and temporarily) in every conceivable combination of male and female. A scare scenario? Hardly. The bottom of this slope is visible from where we stand. Advocacy of legalized polygamy is growing. A network of grass-roots organizations seeking legal recognition for group marriage already exists. The cause of legalized group marriage is championed by a powerful faction of family law specialists. Influential legal bodies in both the United States and Canada have presented radical programs of marital reform. Some of these quasi-governmental proposals go so far as to suggest the abolition of marriage.

When it comes to the question of fairness or discrimination against homosexuals, 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.

Al Mohler the President of Southern Baptist Theological Seminary (a Southern Baptist Institution) has said,

"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."

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>.

Secondly, the redefinition of marriage has grave implications for religious freedom and the freedom of conscience for people of faith. Discriminatory and demeaning verbal attacks, accusations of bigotry and intolerance are now continuously made against a multitude of religious groups, (including Southern Baptists).

To illustrate, the following is a quote from the text an online article from Citizens for Community Values (the full text is printed in the appendix):

It is because of tyrannical actions of these unaccountable judges that a broad-based coalition of individuals and organizations – evangelical Christians, Catholics (three cardinals and 28 bishops), Muslims, Jews, scholars from the nations prestigious law schools – have banded together to preserve the traditional meaning of marriage. It is a diverse group that includes leaders from the biggest association of Hispanic churches in the United States, North America's two largest orthodox Jewish groups and the nations two largest African-American denominations. The coalition spokesman is Walter Fauntroy who marched with Martin Luther King.

The charges of bias are especially galling in the light of the fact that 85 U.S. Senators and 342 Members of the House voted for the Defense of Marriage Act, which was signed by President Clinton. It contained the very same language, that marriage in the United States shall be between one man and one woman. Are all of these leaders, including former President Clinton, bigots? According to the polls, two-thirds of the American people oppose granting new rights for gay marriage--is that bigotry? Is it bigotry that the overwhelming majority of religious traditions support marriage as the union of one man and one woman?

In a recent Baptist Press article, Princeton University Law Professor Robert P. George is quoted as saying that "A change in the marriage laws "almost certainly will" infringe on the freedoms of religious people." He then sites several examples of what has already occurred in Canada.

The article also quotes Glenn Lavy, an attorney with the Alliance Defense Fund. "Same-sex "marriage" would violate religious freedoms in the workplace, in schools and throughout society. Schools could be forced to teach that same-sex "marriages" and traditional marriage are identical."

Harvard University Law Professor Mary Ann Glendon is quoted from her Wall Street Journal commentary. "Gay-marriage proponents use the language of openness, tolerance and diversity, yet one foreseeable effect of their success will be to usher in an era of intolerance and discrimination the likes of which we have never seen before... every religion that disagrees will be labeled as bigoted and openly discriminated against."

Finally, Southern Baptists of Kansas have a strong concerns about the future of existing DOMA laws already on the books in Kansas and many states across the U.S. A state amendment is seen as helping to uphold DOMA laws already on the books by doing everything we can to stem the tide of judicial activism in federal and state courts. A state amendment, voted on by the people of Kansas, would also demonstrate the will of the people of Kansas to possibly ratify an amendment to the federal constitution.

The testimony of Jon Bruning, the Attorney General of Nebraska given on March 3, 2004 to the United States Senate Committee on the Judiciary "Judicial Activism vs. Democracy: What are the National Implications of the Massachusetts Goodridge Decision and the Judicial Invalidation of Traditional Marriage Laws?"

A brief quote:

In 2000, more than 70 % of Nebraskans voted to amend the Nebraska Constitution to define marriage as a union between one man and one woman. In 2003, the ACLU and Lambda Legal Foundation together sued Nebraska in federal court, arguing that the Nebraska amendment unconstitutionally denies gay and lesbian persons equal access to the political system. This is the first federal court challenge to a state's DOMA law.

My office moved to dismiss the suit, but last November, the Court denied our motion to dismiss. The language in the Court's order signals that Nebraska will very likely lose the case at trial.

Should these issues be solved by judges or by the representatives of the people of Kansas allowing the voices of their constituents to be heard in a state-wide referendum? The Southern Baptists of Kansas urge you to allow the people of the state to speak by allowing the amendment to be placed on the November ballot.

APPENDIX:

(Full text of KNCSB resolutions - other support materials are attached)

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.

What nature joins let no gays put asunder

Marriage is meant to be between one man and one woman. Period.

William J. Bennett

10/17/2003

For all the damage the institution of marriage sustained during the sexual revolution, its recognized significance as the fundamental social unit remains intact.

If nothing else, this one conviction at least remains: that marriage should be strengthened. It remains our achievable ideal and the reason President Bush proclaimed Oct. 12-18 "Marriage Protection Week."

Yet the state of marriage today is fragile. Battered by divorce, eroded by rising rates of cohabitation and shaken by infidelity, marriage is now imperiled by a proposal to redefine it. This challenge has been advanced by gay activists in the culture and the courts.

Though we are the most open, tolerant, forgiving and embracing of people, it is important that the movement toward gay marriage be resisted. It would in no way strengthen marriage to redefine it by embracing gay marriage.

Marriage is rooted in the proper order of life. To be human implies purpose; human beings are set apart from the rest of the material world, even from other animate beings, by that purpose.

By way of contrast, the essence of a tree presents no moral limitations for the uses we may develop for it. But the nature of man does limit how we may treat him: This we have affirmed from the Declaration of Independence to today's human rights movement. It is why we should not clone humans, why we do not experiment on human subjects and why we oppose sexual subjugation.

Just as human nature has inherent purpose, so does human sexuality. There is a natural sexual order, a proper order for love — an *ordo amorum*, as St. Augustine put it. We are made male and female, and these immutable characteristics define proper sexual behavior. Because this proper sexual behavior quite commonly results in childbearing, these characteristics also define the appropriate relationship for sexual behavior: marriage.

In marriage alone do men, women and children find the relationship that balances their sometimes mutual, sometimes competing, needs.

"Marriage is our attempt to reconcile and harmonize the erotic, social, sexual and financial needs of men and women with the needs of their partner and their children," says Maggie Gallagher, co-author of "The Case for Marriage."

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.

The last decades have sobered us about the consequences of the sexual revolution, which replaced the traditional marriage ethic with a code that has sought to free both marriage and human sexuality from restraint and commitment.

Faced with this, we must redouble our efforts to make our behavior meet the traditional standard. And that standard does not call for the redefinition of marriage or the reconfiguration of family, and it in no way translates into an argument for gay marriage.

What we now call a traditional family remains the safest place to raise children, the soundest investment in children's economic and emotional futures and the strongest safety net in our modern world. The evidence is overwhelming that no household arrangement can compare with an intact family. Conversely, the absence of such support will prove a lifelong deficit.

Marriage between one man and one woman is the ideal that we must continue to uphold in our law and our culture. What is broken should be restored, not redefined or destroyed.

William J. 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).



Citizens for
Community Values

Perspective E
fro

Officially Associated with Focus on the Family as a Family Policy Council in Ohio · Celebrating 20 Years 1983 - 2003 · Phil Burres

- Home
- About CCV
- Issues
- Resources
- Volunteer
- Columbus OH
- Contact Us

If you have problems reading this page, please view online at:
http://www.ccv.org/CCV_Perspective-Home.htm

CCV PERSPECTIVE

A Publication of Citizens for Community Values
11175 Reading Road, Suite 103
Cincinnati, OH 45241
Phone (513) 733-5775
Fax (513) 733-5794
E-mail info@ccv.org
Web www.ccv.org

TO: **Friends of CCV**
FROM: **Phil Burress, President**
DATE: **February 25, 2004**
RE: **Open Letter to the NY Times re: Federal Marriage Amendment**

On Wednesday, February 25, 2004, the New York Times ran an editorial, "Putting Bias in the Constitution," in response to President Bush's call for a constitutional amendment to protect the institution of marriage. In typical liberal fashion, The Times attempts to miscast the effort to protect marriage as a meanspirited attempt to radically rewrite the Constitution.

I urge you to read The Times editorial, read our side's letter and then take the time to write a letter to the editor of your local paper, call the radio talk shows, etc. Do your part to shore up and encourage those who share these convictions. It is essential that we not allow this to be falsely fixed in the public's minds as a civil rights issue.

Focus on the Family has made it easy for you to contact your local media. Click [here](http://capwiz.com/fof/home/) to search CapWiz by using your zip code or go type the following address into your web browser: <http://capwiz.com/fof/home/>

**An Open Letter to The New York Times, Senator Edward Kennedy
and other opponents of the Federal Marriage Amendment**

We are appalled by criticism that the Federal Marriage Amendment, endorsed by the President, is -- as The New York Times asserted editorially -- "putting bias in the Constitution." Gay marriage has never been a constitutional right in America or any other civilized nation. No one wants to "take away" some supposed right. It is the rogue judges who are trying to create a new right. When even one state creates "gay marriage," all states

may be forced to recognize such marriages and only a constitutional amendment protects marriage in those other states.

It is because of the tyrannical actions of these unaccountable judges that a broad-based coalition of individuals and organizations -- evangelical Christians, Catholics (three cardinals and 28 bishops), Muslims, Jews, scholars from the nation's prestigious law schools -- have banded together to preserve the traditional meaning of marriage. It is a diverse group that includes leaders from the biggest association of Hispanic churches in the United States, North America's two largest orthodox Jewish groups and the nation's two largest African-American denominations. The coalition spokesman is Walter Fauntroy, who marched with Martin Luther King.

The charges of bias are especially galling in the light of the fact that 85 U.S. Senators and 342 Members of the House voted for the Defense of Marriage Act, which was signed by President Clinton. It contained the very same language, that marriage in the United States shall be between one man and one woman. Are all of these leaders, including former President Clinton, bigots? According to the polls, two-thirds of the American people oppose granting new rights for gay marriage—is that bigotry? Is it bigotry that the overwhelming majority of religious traditions support marriage as the union of one man and one woman?

We suggest that these personal attacks are being made to mask the real issues and distort the debate. It is not bigotry or intolerance to defend an institution every society has recognized as essential to its stable social order. It is indeed intolerance in the extreme to characterize those who defend that institution as bigots.

It is also disingenuous to argue, as some do, that they are opposed to gay marriage but oppose any constitutional amendment. It is now clear that the amendment is the only way to prevent court imposed gay marriage—or public officials recklessly disregarding the law granting licenses. Is it wrong to let the people vote? Do we not trust the people? Apparently The New York Times and others do not.

This is an issue of enormous consequence which must be debated with great deliberation and sensitivity. Name calling and screeching political rhetoric are beneath the dignity required for a thoughtful national conversation about an issue of great gravity.

We pledge ourselves not to engage in rhetoric that demeans others -- either for their sexual orientation or for religious beliefs that might differ from ours. We call on the editors of the Times, Sen. Kennedy and others who oppose this amendment to make the same commitment.

James C. Dobson, Ph.D., Focus on the Family
Charles Colson, Prison Fellowship
Jay Sekulow, American Center for Law and Justice
Don Wildmon, American Family Association
Franklin Graham, Samaritan's Purse
Deal Hudson, Crisis Magazine
Father Richard Neuhaus, Editor in Chief, First Things

CCV Perspective

A Publication of Citizens for Community Values
11175 Reading Road, Suite 103
Cincinnati, OH 45241
Phone (513) 733-5775

Testimony
United States Senate Committee on the Judiciary
**Judicial Activism vs. Democracy: What are the National Implications of the Massachusetts Goodridge
Decision and the Judicial Invalidation of Traditional Marriage Laws?**
March 3, 2004

The Honorable Jon Bruning
Attorney General of Nebraska ,

Jon Bruning
Attorney General, State of Nebraska
Testimony before The United States Senate
Subcommittee on the Constitution, Civil Rights, and Property Rights

March 3, 2004
10:00 a.m.
Room 226, Senate Dirksen Office Building

Thank you Mr. Chairman and members of the committee.

My name is Jon Bruning - B-R-U-N-I-N-G.

I am the Attorney General of the State of Nebraska.

My office is defending a federal court challenge to the portion of Nebraska's constitution that defines marriage as a union between one man and one woman.

Unfortunately, in spite of efforts in states such as Nebraska to preserve the traditional definition of marriage, recent court rulings have created a legal domino effect that may impose a national policy on gay marriage.

I am not here to debate with you the moral issue of whether same sex marriage is right or wrong. I am here because of the reality that four judges in Massachusetts could eventually invalidate Nebraska's ban on same sex marriages.

In short, I believe the people of the United States would prefer to have policy decided by their elected representatives, and not by appointed judges.

Today, almost 40 states have passed Defense of Marriage Acts. The vast majority of those are by statute, and 4, including Nebraska, are constitutional amendments.

President Clinton signed the federal Defense of Marriage Act into law in 1996, saying, "I have long opposed governmental recognition of same-gender marriages." The federal DOMA attempted to leave the issue of gay marriage to the states and ensure that no state would be required to recognize same-sex unions from other states.

However, recent court decisions indicate neither state attempts to define marriage nor the federal act may be sufficient to protect the ability of states to define marriage.

In 2000, more than 70% of Nebraskans voted to amend the Nebraska Constitution to define marriage

as a union between one man and one woman. In 2003, the ACLU and Lambda Legal Foundation together sued Nebraska in federal court, arguing that the Nebraska amendment unconstitutionally denies gay and lesbian persons equal access to the political system. This is the first federal court challenge to a state's DOMA law.

My office moved to dismiss the suit, but last November, the Court denied our motion to dismiss. The language in the Court's order signals that Nebraska will very likely lose the case at trial.

Three recent cases indicate that state and federal attempts to leave this as a states' rights issue may be invalidated by the federal courts.

First, just last year, the U.S. Supreme Court held in *Lawrence v. Texas* that a Texas statute making it a crime for two persons of the same sex to engage in certain intimate sexual conduct violated the Due Process Clause. In his majority opinion, Justice Kennedy listed a number of rights protected by the Constitution, including marriage, and asserted that "...Persons in a homosexual relationship may seek autonomy for these purposes, just as heterosexual persons do."

While the majority said the opinion did not speak directly to marriage, Justice Scalia, in dissent, worried that the Court's opinion "leaves on pretty shaky grounds state laws limiting marriage to opposite-sex couples."

In the second case, *Romer v. Evans*, the Supreme Court held in 1995 that a Colorado Constitutional amendment violated the Equal Protection Clause. The Supreme Court struck down Colorado's amendment, asserting that the amendment imposed "a broad and undifferentiated disability" on homosexuals, singling them out and denying them "protection across the board."

In Nebraska's case, the Plaintiffs have cited both *Romer* and *Lawrence* as authority in their attempt to repeal Nebraska's amendment.

In the third case, *Massachusetts v. Goodridge*, the Massachusetts Supreme Court relied on the reasoning in *Lawrence* to hold that the everyday meaning of marriage is "arbitrary and capricious."

While no one can predict with certainty what a particular federal court may do, *Lawrence*, *Romer*, and *Goodridge* demonstrate the real possibility of the courts mandating national recognition of same-sex marriages.

Many well-respected legal scholars, including Harvard Law Professor Laurence Tribe, agree that this issue eventually will be resolved by the federal courts.

In short, this country is heading down a path that will allow the judiciary branch to create a national policy for same sex marriages. I am here because I believe such a national policy should be crafted by the states in the first instance, or at a minimum by Congress with the approval of the states.

The ultimate question for you, as members of the United States Senate, is whether you believe this issue should be resolved by judges or by the American people through you, their elected representatives.

Thank you Mr. Chairman, and thank you committee members for your time.

[About NARTH](#)[Why NARTH?](#)[Is Homosexuality Genetic?](#)[Activism in the Schools](#)[Clinical and Ethical Issues](#)[NARTH Bulletin Excerpts](#)[Interviews/Testimonies](#)[Books and Reviews](#)[Available Resources](#)[Announcements/Upcoming Events](#)[Membership](#)[Discussion Group](#)[Interfaith Committee](#)[Parenting and Family Issues](#)[Translations in Other Languages](#)[Press Releases](#)[Search](#)[Home](#)

*Help us promote our work — Join us as a "Friend of NARTH."
Click here for details.*

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."

Copyright © NARTH. All Rights Reserved.

Updated: 7 October 2003

March 17, 2004

Richard L. Jenkins
Pastor, First Southern Baptist Church
Coffeyville, Kansas

To the honorable members of the Senate Judiciary Committee of the
State of Kansas:

Jesus said, "...Have you not read, that He who created {them} from the beginning made them male and female, and said, 'For this cause a man shall leave his father and mother, and shall cleave to his wife; and the two shall become one flesh'?" Consequently they are no longer two, but one flesh. What therefore God has joined together, let no man separate."
Matthew 19:4-6 (NAS)

According to that passage, what God has joined together is male and female. Here, Jesus went on record and publicly endorsed the male/female union in marriage. He specifically used the words male and female, not male and male and not female and female.

There are people who bear religious and scholarly credentials who are trying everything they can to find a loophole, a hidden meaning in some word in the text, an alternative, novel interpretation which will sound intellectual and spiritual and yet allow for same-sex marriage. But these re-interpretations of clear cut passages the Church has understood for centuries do violence to the meaning and text of Scripture and should not be taken seriously.

But why shouldn't non-Christians who don't believe like we do have the right to marry someone of the same sex?

Senate Judiciary

3-17-04

Attachment 5

If same-sex marriages are legalized, it opens the door for all other kinds of relationships to have the same legal sanction. Why not brother and brother, mother and son, father and daughter, three men, or a man and a 16 year old boy? There will be no legal ground to prohibit marriage of any combination of people if "love" is the only requirement for marriage.

It is not writing discrimination into the constitution in the negative, politically charged sense of the word. Broadcast reports recently described how some civil rights leaders are offended at the homosexual political machine trying to "piggy-back" on the civil rights movement of the 60's. Remember, blacks could not drink from the same water fountain as whites, had to ride on the back of the bus, sit at their own seating areas in restaurants and other public places, were segregated in their own classrooms, and were often denied lodging and other basic needs. To compare what gays and lesbians are going through to the suffering of blacks in our country is an outrage. We are not talking about a poor, suffering, oppressed minority. Statistics indicate that as a class of people, homosexuals enjoy great financial prosperity, are well educated, have great freedom to openly practice their lifestyle, and wield tremendous political influence. It may deny their wishes to refuse marriage to them, but it would not deny one single constitutional right.

If same-sex marriage is made legal it may end up violating the freedom of religion for those who do not believe same-sex marriage is right.

Proponents of gay-marriage say I wouldn't have to perform gay marriage ceremonies. But if gay marriage is legal, there would be no protection for Christian owned businesses when it comes to employment policies. Even churches could be forced to not discriminate in non-ministerial positions. So what about our freedom?

Accepting homosexuals privately as friends and neighbors, which many of us do, does not require us to grant homosexuals a legal right to the public institution of marriage.

Furthermore, the fact that straight people get divorced does not justify gay marriage. I have heard the argument, "You straight people aren't doing so hot with marriage, so how can you preach to us?" That is a good point. Divorce is too high. But using that argument to justify gay marriage doesn't work. Divorce is wrong too. We are not saying that divorce is right. But the problem is with people not the institution of marriage.

Some think there is no need for an amendment protecting traditional marriage because we don't have to worry about it here in Kansas since it is already a matter of law and our judges are not inclined to activism like those in Massachusetts and other states. I hope they aren't, but remember that it just takes one sympathetic court, one mayor, one challenge and we could be in the same mess as some other states. We need to be proactive.

There is an agenda, a clear vision to bring same sex marriage to Kansas. If it were not so, then there would not be such an outcry against letting the people of Kansas vote on an amendment to their constitution that would deny that right.

Some argue, "If someone is not hurting anyone else and they love each other, then why pick on them? Why deny them the right to be happy and have the same rights as others?" On the surface that sounds nice. It is a good sound bite. That reasoning could be used to justify many vices. I'll admit, not giving a religious answer like, "because God says some things are right and some things are wrong" is very difficult. But as soon as I

say, "it's just wrong," then the other side can say, "Aha, you are violating the separation of church and state!"

Any sensible person believes in a reasonable interpretation of the separation of church and state. And I believe that the proposed amendment is reasonable and does not violate that separation. This is not about religious people trying to force their views on others. We are not seeking to establish a church, or trying to force anyone to convert to any faith.

But separation of church and state can be taken too far. There are those who want it to mean that citizens and public officials should deny their religious convictions and their consciences when it comes to any matter of public policy. I think the opposite is true. We *must* act according to our convictions. Otherwise our convictions are not convictions, but simply opinions. It has been said that opinions are something you hold, convictions hold you.

Marriage between one man and one woman should be protected because it accurately reflects the tradition, the history, and the beliefs of the great majority of our people. Those who do not hold those beliefs are not compelled to hold them. If they are offended, please keep in mind that many of us are offended everyday by what we sometimes have to see and hear also. We do not have a right in our constitution to not be made uncomfortable, nor to never be offended.

Marriage between man and woman is the historic model of marriage of the United States and indeed all civilized societies. Marriage is as old as man. So, to make any other relationship equal to it is to go against nature and reason, everything we have ever known in our nation's history, in civilization itself, and in the world's great religions. A matter of such importance is something that should not be forced on people by

judicial action. This amendment will prevent that from happening in Kansas.

Respectfully Submitted

Richard L. Jenkins

Pastor, First Southern Baptist Church

Coffeyville, KS

We support letting the people vote on an amendment to the Kansas Constitution limiting marriage to one man and one woman only.

NAME	PHONE NUMBER
Jenny Waldon	251-5252
Jason Watson	251-5252
Linda Collins	281-6297
Larry L Collins	251-6297
Beth Nave	251-9644
Dianna Bowman	948-3963
Mel Bowman	
Patricia Rek. Marlow	(620) 251-8458
KENT MARANG	251-3987
Bryan Joplin	(620) 922-3853
Paul Joplin	"
Lion E Nave	(620) 251-9644
Luz Anne Spies	620-922-3853
Jim Robinson	620-251-6025
Louise Davis	620-251-2405
Bill	620-251-0340
Meryl Jenkins	620-251-8604
Andrea Ediger	620-251-6872
Jan C. Turner	620-331-2768
Doree Ediger	620-331-7975

We support letting the people vote on an amendment to the Kansas Constitution limiting marriage to one man and one woman only.

NAME	PHONE NUMBER
Warriona Wilimatta	251-7542
Michelle Stewart	330-7087
May Helen Garnett	251-0458
Billy Garnett	251-0458
Barbara Hugo	251-0978
Shirley Minor	251-9287
Zyella Minor	251-9287
Lawrence Wright	948-3494
Harry Davis	251-2405
Mildred S. Wright	948-3494
Rudolf [unclear]	620-251-8804
Lois Belle	620-251-8045
Marjorie Carlson	620-431-4906
Paul Bel	620-251-8015
Steph Nesly	620-251-6980
Joyce Bennett	620-336-3795
Kenneth Bennett	620-336-3795
Melissa Hondryk	620-251-9524
Allan Ellis	620-331-7975
Cecil D. Bel	620-289-4248

We support letting the people vote on an amendment to the Kansas Constitution limiting marriage to one man and one woman only.

NAME	PHONE NUMBER
Maude L Ryan	620-251-0534
Theresa Schmidt	620-251 5719
Robert E Ryan	620 251 0534
Dora D. Alloway	620-251-0355 RT 4, Box 162-K, Coffeyville, KS
Helen Riley	620-251-3173 1113 W 9 Coffeyville, KS
Dorothy Avery	620 620-877-5698
A. G.	620-251-6872
Joyce Hillman	620-328-4071
Kath Bolcher	620-485-3255
Dr. Bell	" " "
Alice McBride	620-251-7839
Sonia Larive	620 .922 3428
R.D. Larimore	" " "
Ken Eschberry	620-922-7418
Dorothy Moore	620-251-5815
Marla Samples	620-948-3719
Jean Sample	620-948-3719
Steve Avery	620-879-5698
Tracy Klein	620-251-4498
Albert L. Enloe	620-251-6442

We support letting the people vote on an amendment to the Kansas Constitution limiting marriage to one man and one woman only.

NAME	PHONE NUMBER
Thomas W. Blevins	620-251-4756
Dolores A. Blevins	620-251-4756
Terri Garrison	620-251-6020
Herbert D. Shira	620-251-5225
Pat Shira	620-251-5225
Mary Schmidt	620-251-5719
Claudine Cantrell	620-922-3190
Doris W. Vesey	620-251-3589
Dulcie Ellis	620-870-1155
Jim Ellis	620-870-1155
Dore Vesey	620-251-3589
Ralph Alloway	620-251-0355
Billie Walker	620-251-3368
Rod Walker	620-251-3368
Francis Long	620-252-9253
Myron W Long	620-252-9253
Pat Alexander	620-251-2699
Betty VanHinkle	620-251-4104
Mapie Butler	620-251-2119
Naomi C. Stoskop	620-251-6320

We support letting the people vote on an amendment to the Kansas Constitution limiting marriage to one man and one woman only.

NAME	PHONE NUMBER
Chris Gillman	620-328-4078
Mandy Wells	620-251-0255
Kent Cooper	620-922-7475
Jeri Carr	220 251-1268
Steve Parks	620-251-0772
Tom Miller	620-251-8769
James L. Cantrell	620-948-6730
Teri Johnson	620-251-6025
Frank Carr	620-251-1268
Daniel B. Vernon	620-336-4016
Ronald Porter	620-251-5815
Sam Pete	620-251-9275
Jane Blake	620-251-5366
Wayne Hendryx	620-251-9524
Carol Blackburn	620-948-3731
Nancy Pate	620-251-9279
Kristin Durham	620-251-1434
David Harris	620-251-3055
Thelma Francis	620-251-2468
Susan Neer	620-922-3370

We support letting the people vote on an amendment to the Kansas Constitution limiting marriage to one man and one woman only.

NAME	PHONE NUMBER
Betty Kearns	620-251-5837
Lisa Helt	(620)948-6346
Joni Base	670-251-7619
Debra Cooper	620-922-7475
Lucretia Long	620-251-3182
Loedon Long	620-251-3182
Jason White	620-251-5865
Norma Nash	620-251-7932
Jean Robinson	620-251-4524
Ernie Long	620-251-4754
Alana Bailey	620-251-3986
Terri L. Eckelberry	620-922-7418
Ronald M Long	620-251-7195
Janice Masley	620-257-4896
John Masley	620-251-4896
David Smith	620-331-2784
Tracy Smith	"
Tawn Hammond	"
Kimberly Pale	620-289-4248
Billy Durham	620-251-1434

We support letting the people vote on an amendment to the Kansas Constitution limiting marriage to one man and one woman only.

NAME	PHONE NUMBER
But Blye	(620) 879-2464
Margie Blye	620-251-5744
Diana Hackler	918-907-1350
Amy Blye	620-879-2464
Walter Nadine Carr	620-948-3892
Bob & Joanna Booth	620-251-1119
Doug Rose	620-251-7619
Theresa Bentley	620-251-4727
Lisa Childress	620-251-6294
Jessie Childress	620-251-6294
Donna Fox	620-918-3931
Kateem Woodard	620-251-6219
Joanna Booth	620-251-1119
B. T. Eastman	620-252-3419
Art Bardwell	620 257 0565
Donna Blye	620-251-6025
Louise Tosh	620-251-6955
Eddie Vernon	620-336-4016
Margie Blye	620-251-9328
Mike Neer	620-922 3370

We support letting the people vote on an amendment to the Kansas Constitution limiting marriage to one man and one woman only.

NAME	PHONE NUMBER
Aeneas Parks & Susan	620 257 3389
Marie McGuire	620 251 3389 also <i>working home</i>
Carol Eastman	620-251-6937
Mary Lawson	(620) 331-2768
Stacy Howard	(918) 255-6810
Angie White	
Ona Turley	
Lea C. Palko	(620) 251-5005
Rita L. Whittington	620 251-0238
John Paul	620-336-2029
William E. Reeves	620-251-5756
Rebecca A. Reeves	620-251-5756
Shirley Wisely	620 251-9326
Bulah E. Wisely	620-251-9326
Arnell Noel Keen	620-251-3827
Dawn Holmes	620 251 7136
Sara Holmes	620 251 7136
Agnes Kay Norris	1303 W. 11 th 351-3055
Sue Bennett	620-336-18060
Michael E. Marlow	620-251-8458

We support letting the people vote on an amendment to the Kansas Constitution limiting marriage to one man and one woman only.

NAME	PHONE NUMBER
(2) Roy + Meliada Carr	948-6303
Jennifer Ray	620-251-8605
Ronald Ray	620-251-8605
Patric Norris	620-251-4337
Lowell E Norris	620-251-4337
Mausha VanDyne	620 251 7539
Jana Files	620 251-3123
Steve Barber	620-251-0565
Bill & Jean Fletcher	
Stirley Walker	620-251-0046
Russell Walker	620-251-0046
Janet Morgan	251-0476
Vickie Howell	252-1827
David S Howe	252-1827
Delpha Ingram	251-0982

Testimony before Senate Committee
Kansas State House
March 17, 2004
Topeka, Kansas

Submitted by:

Doug Robinson

127 E 19th St
Lawrence, KS 66046

I am a resident of Lawrence. I live in the home of the first mayor of Lawrence and the first President of the Territorial Senate. Five generations of my family have lived in this house. As I sit and think in the rooms of my home built in 1857, before the Civil War, it is obvious that we ourselves live in another time of momentous change. We gather here in this historic place today to contemplate the necessity of defining the meaning of the word marriage used throughout human history to mean the legal, moral 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.

What is at stake is not just marriage, for the conflict is really between competing world views. The gay movement is about much more than sexual activity for it is primarily concerned with questioning and redefining what it means to be human. This is not a passive thoughtfulness, but a vigorous movement on the march.

I have been attending gay political meetings and reading gay literature for 30 years to better understand where this is all going. I am a graduate of one of the most liberal Universities in America--San Francisco State. I have watched gay riots and vandalism of commercial and church properties. I stood at a window of the Holiday Inn Union Square in San Francisco looking down at 2,000 gay activists giving loud "Sieg Heil's" in unison with raised arms and hands outstretched. I have seen the church burnings and the death threats received by pastors--the broken windows on homes and profane graffiti calling for "Death for Christians" and "Bring on the Lions."

I have, on many occasions, personally heard angry gay advocates yell insultingly at African American men and women calling them "racists" because they believed that homosexuality was sinful. I have watched bull-dyke lesbians drop their pants and urinate in front of praying Catholic Priests. I have had to go with body guards to School board

Senate Judiciary

3-17-04

Attachment 6

meetings or police escorts to shoot news stories. I have watched police cars tipped over and burned by angry gay mobs.

It is 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. **Consider that there are over 80,000 GLBTI people living in San Francisco and we have seen about 3,000 same sex paper marriages, not 40,000! Many of those 3,000 couples are from other counties, and other states! It is the percentage of the gay populace that wants to be part of some historic social change more than that they want to be married that motivates what we are here to decide.**

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, over ten years ago, meant three, then why not four or more? During that service, Gay San Francisco Supervisor Harry Britt said from the podium in City Hall, on that Valentines Day, that the greatest challenge was their own fear, as gay and lesbian people, of commitment to each other.

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 journalism training at San Francisco State University, we were told that it was the moral responsibility of those using the broadcast spectrum to bring social change by the redefining 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 premise that all humans are merely another type of animal.

As part of my duties, as a journalist covering San Francisco politics, I attended many

candidates forums. In one 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.

If we adopt Libby's mindset we should remove all references to the wildlife, flint hills or fertile plains of Kansas from public education, since many Kansans believe that these features of our world were formed by God. Last I checked, our State Board of Education was not so progressive as to advocate for the complete separation of "State and Nature."

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 legally sanctioned come from? It did not originally 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. The goal is the legalization and recognition of any and all sexual actions in public or private.

We can listen to those who say that homosexual unions are the same as healthy marriages, but consider this: if we don't share the same definitions of our terms we may think we are speaking the same language, but we actually speak past each other.

In *Gay Speak* for many years, the term "monogamous" has had a different meaning then that held by the general public. In *Gay Speak*, monogamous is a term meaning primary and not exclusive. So if a man has sex with a man other than his partner, he is still "monogamous" as long as he has a primary sexual partner. He can have sex with 10 other men in a one 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. Should Kansas provide marriage licenses for the practice of incest if that is what the people in a democracy want at the time? Should we put that on the ballot in Kansas if the time comes? Is there any line we will not cross?

Where did the first voices raised in behalf of gay marriage come from? Where were those voices first heard? Not in the gay bars. 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 feeling of compassion for troubled people in broken relationships.

As I have visited with many homosexuals in their homes and apartments, as I have done interviews as a journalist, I have observed relationships where one party always, over time, exploits and manipulates another. Lesbians can have all the conferences and seminars they want about overcoming 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 and the hurts of previous breakups by entering a same-sex marriage. Only a contrite heart and the gift of forgiveness can break those inevitable and unhappy cycles.

For thirty years, I have been observing, studying, lecturing and writing about the gay subculture. I have befriended and worked alongside many homosexuals. I have also served as the president of a non-profit Aids service provider.

In thirty years, I have never met, or even heard about, a gay individual who entered a same-sex relationship as a virgin and never had sex with another individual staying faithful to that first person. If monogamous means primary rather than exclusive, and some Church-sanctioned marriage can openly promote incest and sodomy, then we, as a people, are losing our boundaries and losing track of who we are and why we are here.

But if we are created by a loving personal God with designs for our welfare and we 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.

I urge you to support defining marriage as between one man and one woman in the Kansas Constitution by your own votes. Let the people of Kansas speak on this issue through the ballot. Let us have a true and open debate.

Respectfully,
J. Douglas Robinson

6-4

Mr. Chairman, Senate Judicial Committee, and Special Guest,

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 representatives. The courts are pushing an anti-social agenda that will destroy what is 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 basis 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 government 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

Senate Judiciary

3-17-04

Attachment 7

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 Missions
Heart of Kansas Southern Baptist Association
3474 S. Meridian
Wichita, KS 67217
(316) 943-3446



March 17, 2004

Mr. Chairman and members of the Senate Judiciary Committee:

Today we are here to talk about marriage. Some will say that marriage as an institution is being taken lightly by those who have the “right” to marry. To a degree, that is true. However, broken marriages do not reflect a weakness in the institution of marriage, but rather in mankind’s failure to keep a promise. For many of us, this promise is a covenant before God to love and cherish each other until death parts us. Although modern mankind has diluted the significance of marriage by its indifference and unfaithfulness, the institution of marriage between a man and a woman should not be counterfeited by adding other groupings to it. No matter how sympathetic we might feel toward those desiring to be called married, marriage is, always has been, and always will be between a man and a woman.

Marriage as an institution pre-dates law. Marriage was an entity *before* the Ten Commandments, *before* the Code of Hammurabi; before any of the ancient civilizations. It is a sociological and anthropological institution that grew out of mankind’s need to protect and stabilize the family as an incubator for the creation and protection of children, those who will carry on the family name, and inherit the property.

Some have said that marriage is about religion. For many of us marriage *is* the first institution ordained by God at the Garden of Eden. However, men and women under law can marry whether or not they view it as religious; in fact many couples choose to not have a religious ceremony.

Later, law strengthened and codified marriage because it was deemed the foundational institution for a stable society. This institution is responsible for the care and needs for our most vulnerable and valuable resource—our children. Research clearly demonstrates that raising a child in a family that has a husband and a wife is preferable to unmarried couples, alternative couples and single parents. Cohabitation is not the functional equivalent of marriage. Fathers and mothers have unique and critical roles in the development of a child. [*Why Marriage Matters – Twenty One Conclusions from Social Science.*]

Today you have the opportunity to strengthen the institution of marriage and protect it from any judge that would like to refashion marriage to their own design. I encourage you as members of the legislature to protect marriage and let the people of Kansas ultimately decide on this issue that affects everyone in this state—not one judge in this or some other state.

Twelve states are now involved in litigation over gay marriage and seven of those states have DOMAS. It is obvious that the interpretation of the defense of marriage acts will be left up to judges in these cases.

This is your opportunity to protect an institution that has served mankind well over the millennia. I urge you to vote for **HCR 5033**. Do it for the family and for the good of the state.

Judy Smith, State Director
Concerned Women for America of Kansas

Senate Judiciary
3-17-04
Attachment 8

Ladies and Gentlemen,

I am honored to address you this morning. My name is Brianna Olds; I'm a home-educated high school student from Manhattan. 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 to define marriage by the government. 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 add that which 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 mother. 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

Senate Judiciary

3-17-04

Attachment 9

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 a physically and emotionally healthy generation 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 help continue to help raise a well-adjusted generation. How do you think your grandchildren or great grandchildren will fare in the coming world if there is such confusion over such a basic social issue?

If we don't define marriage as a sacred loving commitment between a one man and a one woman, what will happen next? Homosexual marriages, marriages involving more than two individuals gender not mattering, marriages between children and adults, marriages between animals and their owners. All of these are absurd. Marriage must be defined. Without a clear definition the interpretation is then left to the 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 a one man and a 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, the building will collapse. I take marriage seriously, my parents take it seriously, and I hope the state of Kansas will also take it seriously!

I ask that you advance this bill to the full senate 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!

March 17, 2004

Mr. or Madam Chairperson
Honorable Members of the Senate Judicial Committee

In the matter of Same Sex Marriages

Every society follows a standard for preservation and establishes norms and mores by which it maintains a healthy environment for survival. Much of what we practice and believe has come from the ethical principles set forth in the Decalogue. The principles established in the Decalogue provides a guide for the purposes of healthy living. It is stated in Leviticus 18:22 and 20:13 among many other things, "that a man should not be with another man as he would be with a woman." Rom.1:27 also gives guidance as to the normal and natural relationship between man and woman. When we accept these principles, we understand that it is not acceptable behavior to be in a same sex marriage. We can't reinterpret the standard based on what we want. There must be principles and standards we adhere to or else we will always be changing the standard to fit our desires and ambitions. How can we adhere to one part of the standard and disregard the parts we don't like or doesn't fit our life style?

Our standard for marriage is found in Genesis 2:23-25. This establishes that woman is drawn out of man and becomes united with man, in what we believe is the first marriage in the Bible. Our conclusion is that marriage is the union between a man and a woman. We also believe that the primary purpose of marriage is the reproduction of it's kind. It is a wonderful principle to see all "Kingdoms", both animal and vegetable involve in the union and reproduction of it's kind, which fulfills one of the purposes of God.

Perhaps the real issue is the matter of who is the beneficiary in "Same Sex Marriage", who collects the residuals or what is left when life is ended for one or the other? Why can we have the same benefits that are awarded to husband and wife? Those answers are not for me to ponder, but to properly interpret the Bible, so that clear understanding is made and principles are adhered to.

R. L. Baynham,
President of the Missionary Baptist State Convention of Kansas
853 Washington Blvd.
Kansas City, Kansas 66101

Senate Judiciary

3-17-04

Attachment 10

SENATE RESOLUTION 1619

My name is Bo Melin . I am the pastor of First Assembly of God here in Topeka. I am testifying today on behalf of Rev. Terry Yancey who serves as superintendent for the 148 Assemblies of God churches in Kansas. He was unable to be here this morning and has asked me to read his statement.

STATEMENT BY TERRY YANCEY

It is an honor to address you today regarding Senate Resolution 1619 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.

Senate Resolution 1619 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,

Courtesy of
CECIL T. WASHINGTON, JR.

Pastor, The New Beginning Baptist Church

Founding Member, Truth In Love Outreach

Presented March 17, 2004

Kansas State Senate Judiciary Committee
Regarding HRC 5033 - Gay Marriage Ban Proposed Amendment

As an African American, I am distressed that our struggle is being diluted by the constant attempt to equate African American rights with homosexual rights. It is definitely not the same struggle.

Definition

African Americans are defined by an innocent, unchangeable condition of being. There are no organizations established to help us change what we are. See the following comparison.

African Americans:

- Innocent: being black is nowhere condemned or declared unhealthy.
- Unchangeable: we can't change or opt out some day.
- Condition of being: it is what we are, not what we do.

Homosexuals:

- Not Innocent: It is condemned. It's declared unhealthy and dangerous.
- Not Unchangeable: Many have opted and are opting out of that lifestyle.
- Not a Condition of being: it is what they do, identified / defined by a behavior.

Economic Status

In spite of the efforts to bring about parity, we are still the last hired and first fired. Although the African Americans' economic upward mobility has improved, the gap with our white counterparts has grown wider.

This is far from being the case with the homosexual community. Gays are an advantaged group. Economically, they're excelling and surpassing much of society. There is no evidence of any disparate impact in economics, employment, housing, or other documented forms of discrimination. Their struggle is not the black struggle.

Am I then to be considered homophobic, whatever that means, because I say homosexuals are not a class of people needing special privileges?

Unhealthy Tendencies

All of us have tendencies toward certain unhealthy, condemned behaviors, but being African American is not one of them. Homosexuality is a tendency toward a condemned, unhealthy lifestyle plagued by unbalanced proportions of abusive relationships, disease and death.

Genetics

Many argue that homosexuality is genetic. First, there is not one iota of evidence; not a clue, that this behavior is inherent or inherited. But let's suppose evidence did

exist. Then what? Would that put an end to the argument? Does a predisposition to alcohol abuse suffice as an argument to pursue a lifestyle of drinking?

Choice & Change

I'm not saying that homosexuals have chosen or preferred their lifestyle. For some, it may be a choice, but for many it is not. Yet there are ministries which have been started by ex-homosexuals, such as Joe Dallas of Exodus International. He has helped thousands see that they do have a choice. If they will, they can choose to be set free from the bondage of this destructive lifestyle.

It may not be a person's choice to go into it, but you can choose to come out. This power has been proven to be available to many.

I have personally met, interviewed and ministered to many in the homosexual lifestyle. Some of them still struggle with those desires today, but many of them have made the choice to get help and support, therefore today they're walking in victory. Not only that, but they're reaching out to help others. This methodology has successfully freed people from a variety of self-destructive, self-gratifying, addictive behaviors.

Another such person is former homosexual, Mike Haley, who is now in a heterosexual marriage, with children produced by the marriage. Several of us are bringing him here to Topeka on March 27th in an effort to show there is help and hope for those who will choose it.

What It Could Lead To

Another issue not addressed by the proponents of same sex marriage is the ability of the bisexuals to choose. If they say that the gay person is genetically predisposed to desiring people of the same sex, then what about the bisexual? If the argument is that since homosexuals don't have a choice in their behavior, they deserve the sanctity of marriage, how then does this logic affect the bisexual who decides to marry someone of the same sex? The bisexual does have a choice.

The "no choice" argument would not apply to them. Should they not be allowed to marry the same sex? If we allow a person *with a choice* to marry the same sex, wouldn't that render the "no choice" argument irrelevant?

Is the real purpose of the "no choice" argument to make an emotional appeal? Doesn't it sound more compelling for someone to say, "God made me this way" or "Genes made me this way"?

The most compelling response that can be offered, in this regard, is to lovingly share the truth. The homosexual is to be fully loved as a human being, but not have their unions declared as a marriage.

If we throw open the marriage door for homosexuals, what will we be letting ourselves in for? Consider the following scenario, put forth the other day by Woody Cozan. A marriage license clerk says to the couple in front of the line at the counter, "Next!..."

"Good morning, we want to apply for a marriage license".

"Names?"

"Tim & Jim Jones", replies one of the men.

"Jones? Are you related? You look alike," remarks the clerk.

"Yes, we're brothers", replies the other.

"Brothers! You can't get married!"

"Why not? Aren't you giving licenses to same gender couples?"

"Sure, but not brothers. That's incest!" The clerk is indignant.

"Incest? We're not going to have sex! We just want the financial benefits and after all we do love each other as brothers should. And neither of us has any other marital prospects."

"Well, if you're not gay then get married to a woman," states the clerk.

"Whoa! Hold on there! Gay men can marry women just like we can, but you let them marry each other. Well, we don't want to marry women either. So, why can't we get a license just like the gay guys? I want to marry Tim and he wants to marry me. Are you discriminating against us just because we're *not* gay?"

"All right! All right! You can have your license. Now get out of here!"

Real Love

It appears that the proponents of the homosexual agenda are only open to three things. Everyone is to:

- Express love for the homosexual.
- Acceptance and approval....sanctioning of their behavior.
- Any rejection or opposition to their risky lifestyle is categorized as homophobic or bigotry.

I agree, wholeheartedly, with expressing love to homosexuals. But does loving a person mean you have to agree with what they do and not try to help them when in error? Legitimate love must sometimes say the hard things.

I am part of an organization that recently helped to bring a former homosexual to Topeka. He shared how real change and victory came through the loving concern of someone he knew. This loving person knew that hope and help was available, so they continued to express love until it got through and he became receptive. He is now a changed man and in the process of helping others.

Homosexuals need to know that the delivering love and grace of God really is available.

The Foundation

The great battle in our society today actually goes deeper than who should be allowed to marry. The real issue we are struggling with is the powerful, destructive move

Courtesy of
CECIL T. WASHINGTON, JR.

March 17, 2004

RE: HRC 5033

to stop the ethics of Judaism and Christianity from continuing to be normative in our society.

This is why there is such a growing rejection of the Bible. That's why so many false quotations and blatant lies are put forth about the Bible. The idea that people should have their lives determined by the values of this book is put forth as preposterous and offensive.

The United States of America and its' government was founded on Biblical principles, and as a result, has grown stronger and lasted longer than any nation or other form of government. These historic principles are gradually being eroded. Once that has been done, where will we then get our ethics and values?

We sincerely appeal to you: please support this amendment to protect the institution of marriage.

Thoughts On Same Sex Marriage Presented to the House of Reps. 2-11-04

Scripture: Genesis 2:18-24 "One Flesh"

Introduction: "Marriage - A Treasure Worth Preserving"

Marriage is in trouble in our country.

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

1. The divorce revolution. Today, nearly half of all marriages end in divorce.
2. 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 to the breaking point, to where they hardly even exist.
3. The 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 polygamists and others pushing for those changes.

Social scientists 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, versus other household configurations, are:

- happier
- healthier
- more prosperous

The need for protection of the institution of marriage is directly attributable to fact that it is gradually, purposely being deconstructed, redefined and simply rendered irrelevant.

I want to begin with a brief look at the original intent and design for marriage. Anything that goes against this design and intent is *out of order*.

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. The seven verses that give us the account are found in Genesis 2:18-24. The passage opens with the Creator stating the need man had...and what HE intended to do about it.

Beginning with verse 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 gave Adam an assignment which would help him to see his need as God saw it. God had him name all the animals.

The next two verses state:

Courtesy of
CECIL T. WASHINGTON, JR.

March 17, 2004

RE: HRC 5033

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 of these animals and naming them *in pairs*... Bull/Heifer, Stag/Mare, Rooster/Hen, Goose/Gander, Ram/Ewe, Buck/Doe.

During the naming process, 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 his need, 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 at having 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:

- Same in species / kind, i.e. a human being.
- 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. We should follow the clear example of Jesus. 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 it best,

"WHEN PREACHING THE BIBLE IS OUTLAWED, I'LL BE AN OUTLAW."



6301 ANTIOCH • MERRIAM, KANSAS 66202 • PHONE/FAX 913-722-6633 • WWW.KSCATHCONF.ORG

Testimony in Support of HCR 5033

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

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

Senate Judiciary

3-17-04

Attachment 13

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

MICHAEL P. FARMER
Executive Director

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 written in a cursive, flowing style.

Michael P. Farmer
Executive Director

SCR 503

Written Comments In Support of/In Lieu of Oral Testimony

In Support of a Kansas State Marriage Amendment

By Dr. Jack M. Jacob
Private Citizen, Father, Husband, Pastor, Business Leader, Member of Christian Media

Senate Judiciary

3-17-04
Attachment 14

Greetings. Thank you for the opportunity to address this august body. Having never lived in a Capital City prior to living in Topeka, I consider this not only a great honor, but also a burden of responsibility gladly borne as a citizen and a taxpayer of this great nation and this great state.

While many people you will hear from on this issue will speak to you from a Biblical perspective and others will address the issue from a social science perspective and still yet others will try to make this a battle over civil rights, my argument is one more of logic than any of these. I am a Christian and a follower of Jesus Christ whose Father hates the sin of homosexuality and also loves those that participate in the choice of that lifestyle. As such, I could address the issue from all of those areas, but choose not to as many people will be doing that for me. My argument is one of logic and namely:

If government passes a law (or fails to pass a law to defend itself against) homosexual marriage, is it not endorsing those marriages as normal and even admirable and participating in the destruction of society and even that government itself?

You may feel this is an unfair question, but consider the parts to see if you arrive at the same conclusion. As a veteran of the U. S. Navy, I received an honorable discharge from military service. On that document, it stated that I served the military and fulfilled my duties. This is a document given to me for what reason? It is not so that I will feel better about having served because that is irrelevant. It is so that others will feel good about my service. It is to say the government endorses my status as a veteran of the U.S. Navy. It is designed for both appreciation and recruiting. It is an official document issued by the government.

I also have another document that was issued by the government. It is called a marriage license. It is a recognition by the government (of Oklahoma) that I am legally married. It implies, by association, that the state endorses my marriage and does so by providing for me and my wife certain privileges associated with being married (i.e., access to medical records, tax status, joint credit rating, etc.). In essence, the government says they recognize my marriage and reward it. For the government to give that same recognition to homosexual couples would be for the government to endorse and reward homosexual behavior.

Biologically speaking, men and women are made (or evolved into, if you prefer to go there) differently. The genitalia of the man and the woman fit together. The joining of male and female is capable of producing offspring as the sperm and the egg join to produce a baby. The woman carries the child to birth and the child leaves the womb to join the world outside the mother. Once outside the womb, the child grows up to become a taxpayer and member of society. This is the way a society survives and passes the torch of governing and control from one generation to the next.

Homosexual couples engage in sexual intercourse in ways that are not natural biologically. Although it is possible for a male to enter another male, it is not through channels designed for this behavior. Although it is possible for a female to enter another female, it is not through channels designed for this behavior as well. The result of this behavior is not the production of offspring and cannot be because there is no sperm and egg. There is no potential for production of children WITHIN the relationship. With the elimination of the potential for children WITHIN the relationship, the potential for

taxpaying participants in society is also eliminated. This means the torch cannot be passed for there is no one to pass it to.

For the government to recognize and reward this behavior is, in effect, to endorse the destruction of society, the dwindling of the tax rolls and the cessation of our current system of government and existence.

You may hear arguments that children are possible OUTSIDE of the relationship and this is true. This is not the primary issue at stake in homosexual marriage from the government's point of view. The question is whether or not the government wants to stand up and go on record as saying they prefer the situation to be such that destruction is imminent. Marriage, by definition, is the joining together of two people (currently man and woman) in a relationship that excludes relationships with others. The government wants to recognize this arrangement for a number of reasons not the least of which includes keeping track of who pays taxes, owns property, is liable for debts, etc.

Many other combinations of two persons can produce offspring and are not endorsed by the government. One such example is pedophilia. The government does not recognize nor reward an adult having sexual intercourse or relations with a minor. Why? Because it has been determined that this is not normal, nor beneficial. The government also does not recognize nor reward having sexual relations between close family members. Why? Because the children produced can have serious problems and it has not been deemed biologically beneficial to do so. Homosexual relationships are not either.

Lastly, so if our government does not want to go on record as opposed to this issue of homosexual marriage for fear of being labeled by the homosexual community as

intolerant or bigoted, is this consistent with other behavior? If you say people cannot have sex with animals are you not narrow minded and bigoted against beastality? If you say people cannot have sex with a corpse are you not old-fashioned, out of step with the times and intolerant of necrophilia? As a matter of fact, if you will not allow people to peep into windows on people in their homes are you not being just a little prejudiced against voyeurism? The point is that we have laws that limit people's freedoms all over the books. I am not free to steal whenever I want. You are not free to travel at whatever speed you would like. My neighbor is not free to rape me when it feels good. Is it not logically inconsistent to use that as the basis for not supporting this amendment?

As I hope I have shown, the arguments in this foray are as follows:

- (1) Heterosexuality is beneficial for the propagation of society and Homosexuality is destructive to propagation of society.*
- (2) Government recognition of behavior is seen as endorsement and reward for that behavior.*
- (3) Government support of behavior is often seen as restrictive by those that do not with to follows its rules.*
- (4) Government recognition of homosexual marriage will be seen as an endorsement of homosexuality and rewards for homosexuality.*
- (5) Therefore, recognition of homosexuality is endorsing and rewarding the destruction of society and...*
- (6) Recognition of homosexuality is inconsistent with other laws and stands designed at protecting society.*
- (7) You must pass this proposal to put this amendment on the ballot or stand in dangerous territory as against the society in which we live and the society that makes it possible for you to serve on this august body.*

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
March 17, 2004

Senate Judiciary

3-17-04

Attachment 15

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

Presented by: Quentin Martin, Topeka, KS

Senate Judiciary

3-17-04

Attachment **16**

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.

X 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

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

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

Testimony of Dr. Walter Schumm with respect to
Homosexual "Marriage"

1. References

- A. Schumm, W. R. (2004) 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.
- B. Schumm, W. R. (2004) What was really learned from Tasker and Golombok's (1995) study of lesbian and single parent mothers? Psychological Reports, 94, 422-424.
- C. Schumm, W. R. (2004) Response to Kirkpatrick: differential risk and lesbian parenthood. Submitted.
- D. Kirkpatrick, M. (2004) Comments on Dr. Walter R. Schumm's "What was really learned from Tasker and Golombok's (1995) Study of lesbian and single parent mothers?" Submitted to Psychological Reports.

2. The major premise of reference A is that attempts to establish gay marriage on a par with heterosexual marriage appear to promote human equality on the surface but, under closer analysis, such attempts, if successful, would institutionalize a tremendously risky inequality. Since legislative and judicial decisions should be based on thinking rather than mere emotionality, consideration of deeper issues is critical.

3. The logic behind reference A is this: Mixed-gender relationships are more difficult, more risky, and yet more productive than same-gender relationships. Treating them as if they were equal is simply not true and would create disincentives for people to accept the risks and challenges of heterosexual relationships and parenting.

Why?

Mixed-gender relationships are more difficult. Differences in communication styles, physiology, hormones, sexuality make effective communication and interaction much more difficult. The term "battle of the sexes" did not occur without good reasons.

Mixed-gender relationships are more risky. While generally safe, both childbirth and abortion can lead to injury or death. Exclusive same-gender relationships avoid such risks entirely. Furthermore, differentials

between men and women often place women at more risk, for catching sexually transmitted infections from men, for being injured in violent confrontations with men, as well as for becoming pregnant (whether desired or not; of course, men never run that risk).

Mixed-gender relationships are more productive; only they can produce future generations for the continuation of society. Furthermore, only heterosexual relationships can automatically provide children with two biological parents; all other relationships, including gay relationships, inherently involve no more than one biological parent. On average, biological parenthood inspires better nurturance of children and is better, therefore, for society. Anyone can point to exceptions, of course, but law should be based on general principles rather than anecdotes.

4. References B and C note the poor quality of research that purports to show the harmlessness of gay parenting. Often the research is internally contradictory. For example, one article concludes that lesbian parenting is fine, but when you read the article itself, it admits that all of the children of the lesbian parents were very "disturbed emotionally." Another article says that the research is inconclusive but, in its summary, concludes that the same research favors gay parenting. One article actually showed that children of lesbian parents were more likely to want to become lesbians even if they did not report having had same-gender sexual attractions! However, in reference D, Kirkpatrick takes exception to any sense that such an outcome should be considered as a problem.

5. In conclusion, research does not actually support gay parenting when examined closely. Furthermore, theory fails to support the idea of equating same-gender and mixed-gender marriage. Together, those findings support the preservation of marriage as a heterosexual institution.

Comments on the author:

Over 200 scholarly articles, book chapters published since 1979

Received Moran Award as best researcher of the year in field in 1990

Retired, U.S. Army Reserve full colonel (O-6), Legion of Merit, many other awards

During 2000-2001, as an Army Reserve brigade commander, 50% (3/6) of the best Army Reserve units in the world were chosen from his brigade.

Resident of Kansas since 1979 and 1973-1976

Husband, father of seven children, ages 7-22

RESPONSE TO KIRKPATRICK:
DIFFERENTIAL RISK THEORY AND LESBIAN PARENTHOOD

Walter R. Schumm

Kansas State University

Approximately 1100 words

NOTE TO LEGISLATORS: This paper has been submitted for publication but has not yet been accepted. It is my reply to a critique of my work on homosexuality by Dr. Kirkpatrick. I point out how her research, which alleges that homosexual parenting is as valid as heterosexual parenting, is severely flawed. Most notably, her "lesbian" subjects were all previously married to men and most said they would marry a man in the future – i.e., they were really acting like bisexuals.

Summary -- Kirkpatrick's (2004) comments on Schumm's (2004) discussion of Tasker and Golombok's (1995) research are discussed. Such discussions should consider both microsociological and macrosociological issues. The author proposes that considerations of differential risk within social exchange theory may counter claims that gay and lesbian relationships should be equated with same-gender relationships at a macrosociological level.

Kirkpatrick (2004) appears to concur with the main thesis of Schumm's (2004b) earlier report, that research on controversial subjects should be done carefully. To her great credit, Kirkpatrick has a long line of scholarship in the area of parenting by lesbian mothers (1987, 1989, 1990, 1991, 1996, 2002) that began with her initial research (Kirkpatrick, Smith, & Roy, 1981). Again, to her credit, Kirkpatrick admits in several of her articles to her learning much about her own prejudiced expectations with respect to the characteristics of lesbian families. Nevertheless, it must be observed that her initial study involved only 20 households, with few reported statistical comparisons between the lesbian and single (heterosexual) parent families. One test based on a later comment (Kirkpatrick, 1989, p. 137) nearly achieved statistical significance, $\chi^2_1 = 3.81$ ($p < .06$), with 90% of the lesbian mothers compared to 50% of the single parent mothers having initiated their earlier divorces from their husbands. A casual observer might easily overlook a later comment (Kirkpatrick, 1987, p. 203) that most of Kirkpatrick's (1981) lesbian subjects were actually bisexuals, capable of heterosexual response as well, both in terms of past history and to some extent in terms of future willingness to marry a husband (if he could provide the type of emotional intimacy they desired). Furthermore, her conclusion (1981, p. 550) that an "unexpectedly high percentage of children" in both groups gave indications of emotional difficulties may do little to reassure readers of the harmlessness of lesbian parenting. Even so, that neutral result is questionable. The lesbian

mothers appear to have been more likely to have initiated their divorces, an advantageous position compared to most of the single parents (“leavers” are usually better off emotionally than the ones “left”). The lesbian mothers were more likely to have only one child (70% versus 0%, $\chi^2 = 10.8$, $p < .01$) than the single parents, thus having fewer children to support and/or manage. In addition, it appears that the lesbian mothers were more likely to have household support, with a stable lover (i.e., two adults in the home), with Kirkpatrick (1987, p. 210) later arguing that having a stable, nurturing lover in the lesbian household could result in a “richer family life” for the children. With three major advantages over the single parents, it is surprising that the lesbian mothers’ children did not do much better than the children of single parent mothers.

Thus, Kirkpatrick’s research reflects many of the same issues (small samples, low statistical power, low chance of rejecting the null hypothesis, and weak controls for important variables) mentioned in Schumm’s (2004b) critique of Tasker & Golombok (1995), upon which Kirkpatrick (2004) has commented.

Nevertheless, she raises a more important theoretical issue by questioning what Schumm (2004b) appears to think might be wrong with children being socialized to feel free to adopt a lesbian lifestyle even if they didn’t have same-gender sexual attractions. To clarify my approach to this issue, I view the sociological world on two levels – macrosociological and microsociological. At the microsociological level, I expect a great

deal of variation, a lot of random events and I attempt to view sexual diversity with maximum tolerance. In fact, what people do privately in their bedrooms may not have much public significance. However, at the macrosociological level, the claims and demands that are made with respect to social norms concerning the relative profit to society of various sexual partnerships may well have a great deal of public significance. Differential risk theory (Schumm, 2004a) appears to be a useful approach to analyzing the public values tied to private sexual behaviors. If my earlier argument (Schumm, 2004a) is correct -- that mixed-gender relationships involve more risks and therefore costs than same-gender relationships, then it would be inequitable to assign equivalent normative value to all sexual relationships, which vary considerably in their level of commitment and inherent risk. Some may question my thesis about the risks of heterosexual interactions, but the Gottman Institute's (2001) careful research with gays and lesbians suggests that they may have fewer and less intense conflicts than heterosexuals, a result that would support my thesis. Failure, at the macrosociological level, to account for differential risks in different types of sexual relationships may eventually provide a disincentive for many heterosexuals to take risks necessary to have and appropriately nurture adequate numbers of children to provide for a growing, socially responsible, and prosperous society. Thus, moving in the direction apparently expected by Kirkpatrick (2004) may not be without

consequences, which may be adverse for society at large, even if beneficial for selected subgroups within society.

REFERENCES

- Gottman Institute (2001) 12-year study of gay and lesbian couples.
Retrieved 17 February 2004, from <http://www.gottman.com/research/Projects/gaylesbian/>
- Kirkpatrick, M. (1987) Clinical implications of lesbian mother studies.
Journal of Homosexuality, 14(1-2), 201-211.
- Kirkpatrick, M. (1989) Lesbians: a different middle age? Pp. 135-148 in
J. M. Oldham and R. S. Liebert (Eds.), The middle years: new
psychoanalytic perspectives. New Haven: Yale University Press.
- Kirkpatrick, M. (1990) Homosexuality and parenting. Pp. 205-222 in
J. Spurlock and C. B. Robinowitz (Eds.), Women's progress:
Promises and problems. New York: Plenum.
- Kirkpatrick, M. (1991) Lesbian couples in therapy. Psychiatric
Annals, 21, 491-496.
- Kirkpatrick, M. (1996) Lesbians as parents. Pp. 353-370 in
R. P. Cabaj and T. S. Stein (Eds.), Textbook of homosexuality
and health. Washington, D.C.: American Psychiatric Association.
- Kirkpatrick, M. (2002) Clinical notes on the diversity in lesbian lives.
Psychoanalytic Inquiry, 22(2), 196-208.
- Kirkpatrick, M. (2004) Comments on Dr. Walter R. Schumm's paper
"What was really learned from Tasker and Golombok's (1995)
Study of Lesbian and Single Parent Mothers?" Psychological
Reports, 94, XXX-XXX.

Kirkpatrick, M., Smith, C., & Roy, R. (1981) Lesbian mothers and their children: a comparative survey. American Journal of Orthopsychiatry, 51, 545-551.

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.

Diane Silver
Testimony to the Senate Judiciary Committee
March 17, 2004

I am appearing today as a concerned citizen and mother to speak in vehement opposition to HCR 5033.

There are many reasons to oppose this amendment.

- The fact that it writes discrimination into the Kansas Constitution.
- The fact that it isn't necessary because the state already has a law banning same-sex marriages,
- The fact that state law can only govern civil marriage. Even if it were ever legal for same-sex couples to marry in Kansas, no church would be forced to do so.

These are just a few of the reasons to oppose this awful amendment, but I'm not here to talk about the fine points of law or religion. I'm here because I'm a mother. I'm going to talk about the impact this kind of discrimination has had on my family.

Nineteen years ago, I met the most incredible person named Patty. She was witty and kind. Standing in her presence was like standing before a roaring fire after stepping in from the cold. We laughed a lot. We became the best of friends. We fell in love, and we made a home together.

Patty bore a son we named Tony. Energetic, blonde, giggly – that child was perfect, at least as far as I was concerned. I was part of Tony's life from the instant he was born, and I felt so blessed to be there.

Our son grew. When he was old enough, Tony and I played baseball games with plastic balls and bats in our front yard, while Patty provided the color commentary from the porch. We went on trips and sang silly kid songs in the car. We stayed up with him in the middle of the night when he was sick. When he went to school, I drove him there, and Patty picked him up when his day was over. Neither one of us ever missed a single parent-teacher conference.

We had a good life, but when our son was 5, Patty was diagnosed with breast cancer. She went through all the treatments, the illness, the surgery. We thought we had beaten it. We were so smug that we knew it wouldn't come back. But it did, and when our son was seven, Patty died.

Like any widow, I was full of grief and frightened about the future. Our family income had just been cut in half. How would I pay the bills by myself? How would I help Tony deal with his grief? How would I deal with my own grief?

But I wasn't just any widow, I was a lesbian widow and because of that fact, the law was stacked – and is still stacked – against me and my son.

The first problem I faced was something that no widow from a heterosexual couple would ever have to face – I had to find a way to keep custody of my own son. As the non-biological parent, I had NO legal rights in Kansas – a fact that is as true today as it was then. I was very lucky, though, because Patty's family realized that if they took my son, then Patty's death would have not only robbed him of his biological mother, but would have also taken the only other parent he had ever known. It was only because of

Senate Judiciary

3-17-04

Attachment 18

their support that I was able to adopt my own son. Other lesbian and gay parents in Kansas are not as fortunate as I was.

But being a lesbian widow has other legal hardships. Despite the best efforts of an accountant, a lawyer and one very surprised bank vice president, I had to pay state inheritance tax on our community property. By community property, I mean our car, our house, our joint bank account. Because we could not be married, everything we held in common was slapped with this very selective death tax.

But the financial struggle was more difficult than that.

I almost ended up paying inheritance tax on my own income. That's because banks don't record who deposits what into a joint account. After weeks of searching, I was finally able to find enough documentation to prove what I had actually earned. That enabled me to win the battle.

The inheritance tax I did pay, and the attorney and accountants fees I had to pay to fight this injustice took money, food, clothing away from my son. This occurred at the same time that I could not collect Social Security survivor benefits because, of course, I wasn't married – a fact that once again made my son poorer.

At the same time we fought through this financial struggle, there were the daily humiliations I had to face. I had to argue with the obituary writer who refused to name me as spouse because I couldn't prove I was Patty's partner. My attorney had to intervene with the insurance company that claimed I was nothing more than a crook trying to steal the estate of a deceased woman. After all, they said, there was no proof we were spouses. Then there was the day, I had to argue with a clerk to get extra copies of Patty's death certificate. I needed these to settle her estate, but the clerk declared that only family members could get these and demanded that I prove we were family.

These are just a few of the problems created by the fact that I cannot marry for no other reason than who I am.

I have heard legislators say that they can't understand how allowing same-sex couples to marry would bring stability to Kansas.

What I don't understand is how it makes Kansas more stable to declare certain families second-class and to deny them the legal and financial benefits of the law.

How does it make Kansas more stable to force thousands of children to live under the threat of being taken from their parents?

How does it make Kansas more stable to impoverish an entire class of children?

I have to admit to being profoundly angry about this proposal. At its core is the belief that my son is not worthy of the same legal protections as your son or your daughter. When I think about that fact, I cannot believe that such a proposal is even being considered in this country, let alone in this state.

These kinds of bills and amendments are usually called Defense of Marriage Acts, but frankly, I'm tired of that kind of doublespeak. Let's start using honest language for what's really happening in this Statehouse. What this amendment will really do is target families – my family and the families and children of thousands of other lesbian and gay Kansans. And because you're writing this discrimination into the Kansas Constitution, this proposal is will target our families for generations to come.

Thank you for the opportunity to speak

I Claim the Title of Widow

By Diane Silver

Five days after my life partner, Patty, and I were told that her breast cancer had spread to her brain and the bones of her back, snow fell. That morning we had an appointment with Patty's oncologist to talk about treatment options. Patty was the first one up, bolting from the warmth of the quilt to the window. She gasped. "It snowed."

"Is it deep?" I asked.

"No, but it's beautiful."

I climbed out of bed into the cool air, padded behind her, and looked out onto white-coated roofs and tree branches. I hugged her from behind, putting my arms around her solid waist. I laid my head on her shoulder. She leaned back against me. I thought, now is all that matters. I am the luckiest person in the world.

Three months later, Patty was dead.

At age 41, after seven short years in the best relationship of my life, I became a widow—a lesbian widow. In many ways I am like many other widows: a newly single parent, raising our son, Tony, a first grader, by myself. I have questions of the estate to settle. I have a house, a yard, groceries, laundry, a car—all suddenly, painfully, to take care of by myself. Now I have only my income to pay the bills, and I am not at all certain it will be enough.

I feel as if I've put on a coat that everyone assures me is mine, yet it doesn't look or feel like any style I would ever choose. This garment of widowhood is ugly and ill-fitting anyway, but because I am a lesbian it has even more rips and stains. An insurance company, for example, suggested that I was a con artist who took care of Patty to gain control of her property. The obituary writer objected to listing me first among the survivors—that placement was reserved for spouses. Besides, the writer argued, how could he be sure that Patty and I really were "companions"? When I had to get certified copies of Patty's death certificate to file her income taxes, the clerk in the Bureau of Vital Statistics asked: "Can you prove your relationship?"

With the help of my attorney, friends, and Patty's mother and brother, I won those fights. But I am tired of fighting. Patty and I could not legally marry, and in a world that refuses to see the truth of our family, I honestly don't know what to say to the people who keep asking me to prove it.

How do I prove the first time Tony woke up in the middle

of the night with a fever? As first-time parents, Patty and I panicked. We were heading out the door to the emergency room when it occurred to us we should first look in Dr. Spock. Patty held Tony and sang softly, while I leafed furiously through the book. In the end, cool cloths and baby-strength Tylenol were enough to cure the crisis. After Tony was asleep again, Patty and I drank coffee and laughed.

How do I prove that we would fall asleep every night holding hands? That we delighted in doing nothing more exotic than sitting on the couch together, watching TV? How do I prove all the afternoons that Patty, Tony, and I played baseball with a plastic ball and bat on our front lawn?

She laughed at my jokes. I marveled at her warmth, her ability to honor and listen to anyone, even the Christian fundamentalist in the neighborhood who wondered out loud whether Patty was going to hell.

Near the end, the tumor had taken so much of her brain that her thoughts became nonsensical. One day she said: "They tell me this is our house, but I don't know it. Can you draw me a map?" I drew a detailed map including our street,

our neighbors' houses, and even our furniture. She looked at it once and threw it down. "This makes no sense," she said.

Two nights before she died, the house was quiet. Our son was asleep upstairs. I felt as if I had not been close to Patty for centuries. How could I be intimate with a woman I couldn't talk to? But that night I stopped trying to talk and lay down on a hospital cot we had crammed into the room next to her bed. To reach her, I had to lie with my head toward the foot of the bed, position myself by the headboard, prop my feet on the wall, and stretch my arm

through the cold metal railing that kept her from falling. She grabbed my hand hard. Her hand was soft and warm and solid. I closed my eyes. She felt no different than she had that snowy morning when we still thought we had options. Unexpectedly, I fell asleep. I slept soundly for hours.

Since Patty died, one group of heterosexuals has not questioned my right to call myself a widow. In fact, they were the first people to give me that label. Their emissary was a woman who called me a few weeks after Patty died.

"Did you know that I was also widowed young?" my acquaintance asked. "Let's talk." **MS**

Diane Silver is a writer living in Lawrence, Kansas.

This garment of widowhood is ugly and ill-fitting anyway, but because I am a lesbian it has even more rips and stains.

TESTIMONY OF BRUCE A. NEY
BEFORE THE JUDICIARY COMMITTEE OF THE KANSAS SENATE
MARCH 17, 2004

Mr. Chairman and members of the Committee,

Thank you for the opportunity to appear before you today. My name is Bruce Ney, I am a Republican and an attorney admitted to practice law in the state of Kansas and do so as corporate in-house counsel for a Fortune 50 company. However, my appearance before you today is in my capacity as a concerned, private citizen who is opposed to House Concurrent Resolution ("HCR") 5033.

Two weeks ago, the Kansas Chamber of Commerce and Industry ("KCCI") made public the results of a statewide poll of 300 Kansas business leaders concerning the business climate in Kansas. The results of the KCCI poll, taken in February, were stunning with over 30% of businesses surveyed admitting that they would consider leaving the state because of the poor business climate. At a time when the Kansas economy remains sluggish, we should be doing our best to attract new businesses and expand our existing ones. Unfortunately, HCR 5033 does nothing to achieve this goal and, in fact, makes our communities' efforts to attract new business even more difficult.

HCR 5033 sends the wrong message to businesses. The message it communicates is, "companies with gay or lesbian employees are not welcome in Kansas." Additionally, due to the way the resolution is drafted, it tells those same businesses that if they recognize and offer domestic partner benefits in the state of Kansas, their policies may even be unlawful. As you can see, if HCR 5033 is adopted, it will serve as a constitutional impediment to businesses' ability to recruit and retain highly qualified workforce members who happen to be homosexual.

Our state continues to fight negative-image problems, from the debate on evolution to this. Case in point, after the brutal murder of Laramie, Wyoming student Matthew Shepard, our state was singled out for producing individuals who protested Matthew's funeral and condemned him solely because he was gay. HCR 5033 would serve as the culmination of efforts by these individuals to permanently enshrine their hate-filled sentiments within the Kansas Constitution.

The goal of this committee and this legislature should be the enactment of public policy that improves the lives of all Kansans and protects the rights of all individuals. This policy, if enacted, would impede our ability to move forward in a positive direction. Businesses seek out positive environments for their employees, as well as locations with lower taxes and fewer government regulations. HCR 5033 is an ugly and unneeded piece of legislation that would do nothing but make Fred Phelps the official face of Kansas.

I ask that you continue to give Kansas communities the tools that will allow our state to prosper, while at the same time keeping religious and ideologically driven social statements out of public policy and the private sector. Please vote "no" on HCR 5033.

Thank you for your time and I would be happy to stand for questions.

Senate Judiciary

3-17-04

Attachment 19

Statement to Senate Committee
in Opposition to the Proposed Marriage Amendment
to the Kansas State Constitution

Contact:

Bonnie Cuevas
1721 NW 59th Terrace
Topeka, KS 66618-1803

Phone: 785-246-0730

E-mail: pflagks@juno.com

Organization affiliation: President, PFLAG Lawrence-Topeka Chapter
(Parents, Families and Friends of Lesbians and Gays (Bisexuals and Transgendered))

My husband Rudy and I have been married for 35 years and we have 2 sons, one heterosexual and one gay. I speak for thousands of families across this state when I tell you that we are extremely opposed on many levels to the proposed marriage amendment.

Marriage, even in its present conception, is not static and unchanging. Marriage has evolved greatly over the years. Rudy and I are a mixed race couple and only a few months before our marriage 35 years ago, the law was overturned that prohibited people of different races like us from marrying. That discriminatory law was rejected by this nation and this proposed marriage amendment that would prohibit gay and lesbian couples to marry or even enter into a civil union must be rejected as well. We have never taken the step of amending the Constitution to define marriage. Revising the Constitution to ensure discrimination against anyone in America is wrong and should be rejected.

Good or bad, Kansas is becoming known as an extremely conservative state, yet writing discrimination into our Kansas Constitution is in no way a "conservative" thing to do. Many respected conservatives oppose this amendment because it is an extreme act; it is reactionary and simply inappropriate.

Polling consistently shows that while the public is nearly evenly divided on the question of marriage for same sex couples, support for a constitutional amendment banning marriage for same sex couples is very weak. Passing this amendment out of committee would be a political disaster. During the next election cycle it would be used as a divisive political tool in all campaigns. No good purpose would be served by such an amendment. It would only serve to divide Kansans, and heap more discrimination upon our gay and lesbian children.

I was a church secretary for over 18 year. Rudy and I taught religion in our church and raised our children according to church teachings. Those who support this amendment say they do so to protect the "sanctity of marriage." That reasoning is terribly misguided. It is important to distinguish between a marriage that is performed by a church and a legal marriage as licensed by the government. If people of the same sex are permitted to have government-authorized marriages, no church will be compelled to recognize or bless the relationship. Churches are presently allowed to solemnize marriages for same-sex couples if they wish - or not. The government's only legitimate interest in marriage, and the body of laws attending to it, is to help foster stable relationships because stable relationships and families make for a more stable society. It is not the role of government to "protect the sanctity" of anything.

Senate Judiciary

3-17-04

Attachment 20

Instead of proposing ways to divide families as this amendment does, we should be talking about fairness and strengthening families. This amendment would harm all families - including my family.

ADDITIONAL POINTS:

The proposed amendment would deny the right to marry to gay and lesbian couples and in doing so obliterate the family rights that many same-sex couples -- and unmarried heterosexual couples -- and their families now have.

All of our children's committed relationships deserve to be honored with the same rights and responsibilities - those who are straight and those who are gay or lesbian. For same sex couples to be able to marry harms no one. To prohibit marriage for same sex couples harms all families.

Marriage is a civil right that belongs to everyone. The government has no business deciding whom a person should marry. The decision to enter into marriage is a completely, private personal choice that every individual has the right to make for him or herself - a basic principle that should be as true for same-sex couples as for other couples.

Marriage is a sacrament, a sacred institution

As a point of fact, Churches did not start performing marriages until the twelfth century, and church ratified marriage was not legal in the USA before 1650. Before that, it was strictly a contract with the state since women and any wealth they may have had were viewed as the property of their husbands and marriage was a property transaction. Marriages such as these had little to do with love - romantic love is a fairly recent aspect of the institution, as is the idea that both partners can have equal legal standing.

Marriage has always been between a man and a woman.

Interestingly, the Church actually had marriage-like blessings for same-sex relationships long before it considered marriage a sacrament. (Source: Same-Sex Unions in Premodern Europe; John Boswell; Villard Books, 1994).

It takes a man and a woman to properly raise children.

You are entitled to your opinion, but the research does not prove the point. In fact, a great deal of research has shown that children raised by same-sex couples are no different on measures of developmental outcomes, and indeed appear to do better on some measures. What matters is a loving, supportive, nurturing home, and permitting same sex parents to marry will only enhance that. (See: (How) does the sexual orientation of parents matter?; Stacey & Biblarz, *American Sociological Review*. April 2001. Vol 66, iss2; pg. 159, 25 pgs.)

This will destroy the institution of marriage and open it up to all kinds of things like polygamy, bestiality, etc

This argument has been raised for the past 15 years as same sex couples have struggled to get domestic partnership benefits. It was also raised when people were arguing but whether white people and people of color could marry - and it simply has not happened. And besides - that is

a different issue, a red herring - what we are talking about here is the right for two people who want to build a life together to be able to get married. Nothing more.

Why "Marriage"?

Everyone understands what "marriage" means - other family members and friends, the EMT at the hospital, the customs agents at the airport or boarder crossing - the word itself is a part of how people and institutions understand and respond to the nature of the relationship.

There are so many reasons that access to equal legal recognition of same-sex couples is important. Just as for opposite-sex couples, same-sex couples want the right to marry for the same reasons:

They seek the security and protection that comes from a legal union both for themselves and for any children they may have.

They deserve legal recognition as family so they will be able to attend to their loved ones in times of medical emergency and not be viewed as strangers excluded from assisting in these dire situations.

They deserve the same array of financial rights as do other couples so they can have the ability to share benefits under healthcare and retirement plans with their family members, file joint tax returns and protect family inheritance rights.

Right wing pundits opposing marriage equality for same sex couples have it all wrong. Their arguments increasingly ring hollow and their tactics are seen for what they are - mean spirited, discriminatory and marginalizing of whole communities of families. Proponents who would exclude same-sex couples from equality would twist our Constitution into a weapon, and codify an entire group of people as second-class citizens.

Mr. Chairman, and committee members, thank you for the opportunity to make this statement. My name is Sandra Stenzel, and as Director of Economic Development for Trego County, it is my privilege every day to get up and go to work to transform the economy of Western Kansas. In most communities, that economic development work is to help start or relocate new businesses into our towns. But in the rural west, we are starting to understand that while new businesses are nice, it is really people that we need to move into our communities. We need warm bodies to buy our houses, shop in our stores, pay property taxes and, especially, to put children in our schools.

It is a new day for economic development as we ponder the question of how to convince these new people to move into our towns. For the most part, these potential new citizens now reside in more urban areas, and people like me get paid to convince them that they should move to Western Kansas. My friends in cities tease me all the time that I must have one of the toughest jobs in the universe. "What", they ask me, "do you have out there that would make anyone want to live five hours from Denver or Kansas City?" I just laugh when they say that because they don't know rural Kansas like I do. They don't know the quality of life that we have to sell. A quality of life that includes a low cost of living, great houses, parks, churches, schools, Cedar Bluff Reservoir, and world class hunting.

At the end of the day, in rural western Kansas, quality of life is just about all we have to sell. Without the amenities of larger communities, I must try to convince people to sell their homes in Denver and start a business in WaKeeney. And the thing that gets them every time, is when I talk about the freedom to be themselves in my small town. I talk about how they can own some acreage and live the way they choose. They can home school their children, or put them in our great public schools. They can become part of a close knit community, or they can go for days without seeing another person. They can choose the kind of life they want, and pursue that life in those wide-open spaces. I tell them it is a myth that all small towns are closed to new ideas, new people, and new ways of pursuing happiness. And once they pay us a visit, they know I am telling them the truth. After coffee at Cleland's Drug and lunch at Bert's Corner, they know that we are accepting of all kinds of people, especially new people who move into our towns.

And when I tell them the history of Western Kansas, they are even more impressed. I tell them how people first moved to these harsh plains in search of freedom. Some searched for freedom from slavery and later freedom from racial prejudice, and they found a home in Nicodemus. Some of them were German Russians seeking freedom from taxation and military draft, and they found homes in Hays. Some were Irish Catholics from the cities who were seeking jobs and freedom from the signs that said "no Irish need apply", and they found a home in Collyer in Trego County. Kansas has a history, sometimes a bleeding history, of protecting minorities and providing equal opportunity to small groups of people who were different than the majority.

That freedom is at the center of what it is to be from rural Kansas, and that is why I think this amendment could spell disaster for rural counties seeking new residents. We like to think we are all a little different west of Hays, and we are quite proud of it. And it makes us uneasy when we see the rights of a minority trampled on by the majority. We have seen it before, in the way small farmers are constantly pushed off their land because it doesn't suite the majority interest in cheap food. We have heard it in our family stories of why Great Grandma and her family spent months on a boat to get here from Russia because the majority Communists were coming for them, the minority Lutherans. No, out where I come from, we don't like it when a big group picks on a little group, and makes them feel "less than". We know that feeling all too well.

This amendment is dangerous because it strikes at the heart of the one institution we rely upon to protect us when we are not part of the majority. That is what Constitutions are for. To protect the rights of those who may not be as powerful as the majority. Laws are made according to the will of the majority, but our State Constitution is a permanent document that guarantees protection for those who chose a different path in life, whether that path is to embrace a religion or idea that is not popular, or a domestic lifestyle that is a political hot potato. Constitutions stand firm over time, and they protect us from mob rule. It is Constitutions that civilize us, and ensure that political whims and passions do not result in the outright persecution of smaller groups of people.

Senate Judiciary

3-17-04

Attachment 21

I have no doubt that all of you have received far more emails and calls and letters from people who are for this amendment than those who oppose it. That's how it is when you are a minority. Gay people, and the people who love them, live next to them, and work with them, will never be the majority in this state, or any other for that matter. But perhaps the true test of government is not how it bends to the will of the majority, but instead, how it protects the rights of those who are in the minority. This is one of those moments in history when voting to uphold the basic principles of democracy may not be popular, and only the most courageous will be able to vote no. But voting yes and approving this amendment sends a message to people inside and outside the state that the freedom and quality of life we value so much is in danger. It underscores the misperception that rural areas are filled with intolerance and should be avoided if you want to live in peace. It makes us look like something we are not, instead of telling the world what we are, which is a state that embraces its heritage, loves its Constitution, and makes room for all kinds of people.

When you take away that freedom, that quality of life for one of us, you take it away for all of us, and you make my job of bringing new people to rural Kansas just that much harder. We already have so many myths to overcome and so much work to do. Don't make it more difficult for us to open the door to newcomers in our state. We are already working as hard as we can.

Mr. Chairman, and committee members, thank you again for your consideration.

Senator Vratil and members of the Senate Judiciary Committee

Re: Oppose HCR5033

Pedro Irigonegary
Irigonegary and Associates
1535 SW 29th Street
Topeka, KS 66611
785-267-6115

Good morning Mr. Chairman, distinguished members of the committee. Thank you for the opportunity provided to us to express our views today in regards to HCR5033.

Today, I come before you to ask that our State's Constitution not be amended as proposed. In choosing my words today, I have drawn heavily from the Goodridge case, as well as other United States Supreme Court cases.

The proposed constitutional amendment is not necessary. Our laws already deny civil marriage to same-sex couples in Kansas. On this issue, the law is very clear. Events surrounding same sex marriages will soon have this issue before the Supreme Court of the United States of America. I urge each of you to please wait. There is no reason to rush this amendment into our constitution at this time.

Our constitution is to our democracy as our breath is to our life. The constitution is the charter of governance for all in our state. As a duty to the governed, the state regulates marriage. Government creates a civil marriage. It is a wholly secular institution. No religious ceremony is required to validate a Kansas wedding.

In Kansas, there are three partners to a civil marriage: Two willing spouses and an approving state. The state also controls the ending terms of marriage either as a result the death of a spouse, divorce or annulment.

Civil marriage is formed, controlled and changed by the execution of the State's police power, commonly called the State's regulatory authority.

The State's regulatory authority is not unlimited. Liberty and equality are fundamental rights of the people. The State's police power is not absolute. The people give government its power, not the other way around.

The power entrusted to government is limited to that which is necessary to secure the health, safety, good order, comfort, or general welfare of the community. Civil marriage is a civil right, Loving v. Virginia, 388 U.S. S.Ct. 1817, 18 L.Ed.2 1010 (1967).

In our nation, marriage at times has been denied to black and white couples wishing to wed each other, simply because of the color of their skin. It was not until the Loving v. Virginia decision in 1967

Senate Judiciary

3-17-04

Attachment 22

that it was determined that a statutory bar to interracial marriage violated the Fourteenth Amendment of the United States Constitution.

The proposed constitutional amendment would deprive individuals of access to an institution of fundamental legal, personal, and social significance--the institution of marriage-- because of a single trait--sexual orientation. It further creates unnecessary questions regarding civil unions which may evolve between same sex couples in the future.

Same sex partners seek only to be married, not to undermine the institution of marriage, the consanguinity provisions or any other legitimate use of State police power. Our government has no business perpetuating the tradition in which same sex couples and their families are deemed less worthy of social and legal recognition than couples of the opposite sex and their families. It is of interest to note that gay and lesbian citizens are allowed to marry heterosexual individuals of the opposite sex, homosexuals can marry other opposite sex homosexuals, but arbitrarily and capriciously homosexuals are denied their civil right to marry another same-sex homosexual. This is fundamentally unfair.

Because the right to marry is a civil right and civil rights are fundamental to the liberty of every citizen, any restriction of the right to be married must, as a matter of law, be upheld only if it is narrowly tailored to further a legitimate and compelling governmental interest.

At moments such as these, our State looks to you for leadership. Leadership does not require you to do what the majority may wish; in fact, leadership at times requires one to stand firm in the face of a majority view in order to protect the minority.

Our gay brothers and lesbian sisters are a minority--by that fact alone, they are by themselves, unable to achieve equality under the law; however, government has a duty to ensure that all citizens in our State are provided the equal protection of law found in our national and state constitutions. In that quest, we are "E Pluribus Unum"--from many, one.

We must not allow ourselves to make this an "us versus them" issue. Them, in this case, are us--our brothers, sisters, mothers, fathers--they are our children.

Our constitution is not broken--you need not fix it.

PRESENTATION ON SENATE BILL 1619

MARCH 17, 2004

By Rabbi Barry Albin, Attorney at Law and Rabbi of the Nasorean Orthodox Qahal

Honorable Senators, Senate Bill 1619 seeks to define in our constitution what marriage is in Kansas. It proposes not only to define marriage as an act between a man and a woman, but also to outlaw civil unions, domestic partnerships, or other similar same-sex relationships. This bill is fraught with constitutional difficulties and further is wrong as contrary to the direction that marriage is going in the United States and the State of Kansas. I would like to discuss with you problems that I see with the bill from a legal standpoint, as a constitutional lawyer, and then problems that find with the bill from a Scriptural standpoint.

LEGAL PROBLEMS

First and foremost, this bill is contrary to the Kansas Bill of Rights. Article 1, Section 1 of the Kansas Bill of Rights says:

“All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness.”

Currently, Kansas law claims in violation of this provision of our Constitution to allow marriage only between persons of opposite sex. See K.S.A. 23-101. However, the clear provisions of the first section of the Bill of Rights says that distinctions cannot be made when dealing with life, liberty and the pursuit of happiness. Clearly, to say that persons may marry others of the opposite sex and gain benefits thereby is a violation of this Section. It was a similar provision in the Massachusetts General Charter that the Supreme Judicial Court of Massachusetts used to declare unconstitutional the marriage laws of Massachusetts and there is no guarantee that the Kansas Supreme Court would allow this constitutional amendment to even get on the ballot knowing that our natural right to marry is in jeopardy.

The President has said that marriage is a sacred institution and in fact our law also implies that it is a sacred institution. As a spiritual master of the Jewish faith and an expert in Kabbalistic tradition, I would agree. Marriage is a sacred institution. It is for that reason that long ago we should have made all laws dealing with marriage unconstitutional. Article 1, Section 7 of our Bill of Rights says in part:

“The right to worship God according to the dictates of conscience shall never be infringed; ... nor shall any control of or interference with the rights of conscience be permitted, nor any preference be given by law to any religious establishment or mode of worship....”

Most people hold that the sacredness of holy unions is such that God and the community of believers should be involved to uphold those unions and strengthen them. Currently, the Episcopal Church recognizes gay unions, Reform and Liberal Judaism recognize gay unions, the Metropolitan Community Church recognizes gay unions and numerous

Senate Judiciary

3-17-04
Attachment 23

churches are considering doing so. To impose the point of view of some on others when it comes to the dictates of conscience is contrary to the Constitution. There is no matter so inherently a religious issue than the act of marriage. The State of Kansas should stay out of the actual validation of the act. That is not to say that we should not regulate civil unions, which I will speak of later, just the act of marriage.

Already two American states, Vermont and Massachusetts, have agreed to have at least civil unions between persons of the same-sex. I expect Oregon, California, and New York to join that group this year. In order to stop a Federal Constitutional Amendment, only 13 states have to say no and already five are on record as being in serious doubt of the concept. That is important to you because Article IV, Section 1 of the Federal Constitution requires you, by your Oath of Office, to give full faith and credit to the acts of these other states. Any act which you pass that ignores the acts of these other states, as this one does, is a violation of our law in that the Supreme Court of Kansas has defined the validity of the union by the state of origin, and it violates Federal law. It is therefore on its face unconstitutional.

Already, Denmark, Belgium, the Netherlands, France, and Canada have legalized same-sex unions. They are expected to be joined this year by Great Britain, Australia, and Germany. We have sections in the treaties we have with these countries that require us to recognize the validity of their contracts, including marriage contracts. The Federal Constitution says at Article VI in part:

“This constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all *Treaties* (emphasis added) made, or which shall be made, under the authority of the United States, shall be the *Supreme Law of the Land* (emphasis added); and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

Arguably, an amendment to the Federal Constitution that does not specifically change this section is void. In addition, any act that you pass that does not address the civil unions in these other countries is null and void as to those who go to those countries to get married must be recognized by Kansas when they return. Failure to do so is unconstitutional.

The definition of what constitutes a man and what constitutes a woman is in transition. Science is accumulating to support a third gender and to support gender reassignment to recognize the psychological gender of a person. Without further definition, this Constitutional Amendment will cause more uncertainty and eventually will require an additional constitutional amendment to meet that problem as well. In fact, the Kansas Supreme Court has made its first ruling on that subject. See *In re Estate of Gardiner*, 29 Kan. 2d 92, 22 P. 3d 1086 (2001). This bill does not address these important questions and without addressing them it leaves itself open to further attack.

All this said, most European nations already recognize that Civil Unions are the norm. They say that the State has a valid interest in protecting the parentage of children, the rights of children and partners in dissolution of the partnership, the rights of inheritance, and the natural rights of guardians and conservators to care for their partners.

They do not recognize church weddings. The matter of whether to enter into the Sacrament of Marriage is left to the parties and is not mandated by the State. That policy is the better policy and the one that this State should follow.

I urge you from a legal standpoint to reject this bill and to draft a new bill revising Article 23 of the Kansas Statutes Annotated that recognizes civil unions for all and defines the benefits and rights of said unions eliminating any and all reference to ministers of religion of any sort and requiring that civil unions are only valid when registered by the state before a judge or other officer of the State.

RELIGIOUS PROBLEMS

In 1993, the Nasorean Orthodox Qahal wrestled with the question of gay marriage. We were opposed on the grounds that marriage was inherently in our eyes for procreation and gay marriage could not naturally involve children. However, during our study of the concept, the Lord intervened and said to us to look at the Book of Ruth. In Ruth 1:16-17, we read these words:

“16. And Ruth said, Do not entreat me to leave you, or to keep from following you; for wherever you go, I will go; and where you lodge, I will lodge; your people shall be my people, and your God my God;
17. Where you die, will I die, and there will I be buried; the Lord do so to me, and more also, if even death parts me from you.”

We recognized immediately the words used by millions of couples throughout the world to solemnize their unions. It was obvious to us at that point that the partnering that took place between Ruth and Naomi was a holy union, a holy partnering, that had nothing to do with the procreation of children.

We did not stop there as that deals with two women. The Lord sent us to look at another beautiful couple in Scripture, David and Jonathan. Scripture records at Samuel 18:1-3 these words:

“1. And it came to pass, when he had finished speaking to Saul, that the soul of Jonathan was knit with the soul of David, and Jonathan loved him as his own soul.
2. And Saul took him that day, and would let him go no more home to his father's house.
3. Then Jonathan and David made a covenant, because he loved him as his own soul.”

At Samuel 23:8 these words appear:

“8. And they two made a covenant before the Lord; and David stayed in the wood, and Jonathan went to his house.”

Again at Samuel II, 1:25-26 we find:

“25. How are the mighty fallen in the midst of the battle! O Jonathan, you were slain in your high places.

Tiffany Muller
Board Member
Kansas Unity and Pride Alliance
PO Box 1392
Topeka, KS 66601
785-845-5747

RE: Oppose HCR5033

Honorable Chairman Senator Vratil and Senate Judiciary Committee Members:

I thank you for allowing me the opportunity to speak in opposition to HCR5033 today. My name is Tiffany Muller and I am a board member with Kansas Unity and Pride Alliance, which is a statewide advocacy and educational organization that focuses on ensuring a voice for fairness and equal right for all gay Kansans. We work with groups and individuals across the state in our pursuit of full equality.

There are many reasons to oppose HCR 5033, as you will hear today. We should not allow our constitution, a document that has always stood for enhancing, protecting, and ensuring individual rights to be amended to deny rights to a minority group. Our form of government often calls for our elected leaders to make courageous decisions. Our Republic was not formed on "majority rule", but also on upholding the rights of minorities. You, as a leader in our state, are now in a position to hold true to our democratic beliefs that discrimination is harmful to our society, that fear and bullying should not drive our political process, and that our Constitution is a document to be revered not amended for political gain.

It is interesting to note the speed at which this constitutional amendment has been moved through the Kansas Legislature. We are in a time of hardship in our state. Constituents are incredibly concerned about job growth, economic development, budget shortfalls, and education. However, the majority are not concerned about adding an unnecessary legislative amendment condemning same-sex marriages. I have been up here daily over the past two weeks speaking with many of you. I know that HCR5033 has taken up an incredible amount of time and energy. Not just from you, but also from your staff members. Many offices are being able to only handle calls and emails regarding HCR5033. There was a meeting held recently in Overland Park where many citizens expressed outrage about this amendment. Not outrage in support or opposition, rather outrage that this political agenda is taking so much focus away from more pressing concerns that constituents have.

Additionally, because this amendment has been pushed through with such speed, there is not even a fiscal note attached to this amendment. Estimates put the total price somewhere around \$1 million to send this to the public ballot. The House just came out with an education plan where that \$1 million would be useful. The budget we all know could use an extra \$1million, and the uninsured or poverty stricken could also be helped with \$1 million. But whom does this amendment help? It does not help gay and lesbian Kansans; as a matter of fact it harms them. And does it really help heterosexual married individuals? Are people's marriages and our society so fragile that we must actively discriminate?

Senate Judiciary

3-17-04

Attachment 24

I know that many of you have been pushed to vote for this amendment by being threatened with holding up other legislative bills, or having a tough time in your next election process. I urge you to not succumb to fear regarding this issue, but rather to act in a courageous manner. Do not do the proponents work for them. I urge you not to pass HCR5033 out of committee.

Today you are faced with a great opportunity. An opportunity to continue the legacy of Kansas as being a forbearer in civil and individual rights. An opportunity to allow society to progress at their own pace, and an opportunity to focus your attention on issues of greater concern to the majority of Kansans. I urge you to take that opportunity. It will be remembered.

Thank you,

Tiffany Muller
Board Member
Kansas Unity and Pride Alliance

HAN SCOGGINS-WAITE

PRESENTATIVE, 119TH DISTRICT

HOME ADDRESS: P.O. BOX 473

DODGE CITY, KANSAS 67801

(620) 225-4852

OFFICE ADDRESS: STATE CAPITOL, SUITE 272-W

TOPEKA, KANSAS 66612-1504

(785) 296-7643



TOPEKA

 HOUSE OF
 REPRESENTATIVES

March 17, 2004

 Testimony of Representative H. Jan Scoggins-Waite
 On HCR 5033, Constitutional Amendment to Ban Gay Marriages

Honorable John Vratil and distinguished members of the Senate Judicial Committee

Thank you for allowing me to testify today against the HCR 5033 Constitutional Amendment to Ban Gay Marriages.

I spoke to the House on this issue and I appreciate your consideration of my concerns. This Amendment is a hurtful piece of legislation. We, as legislators are here to build bridges and not to single out a certain segment of society, categorizing them into a group of second class citizens.

There are many reasons why I oppose this Constitutional Amendment but I would like to focus on how my rights are denied under this legislation. I have two wonderful sons. I am very proud of both of them and dearly love both of them. They were reared in a military family. God made both of my sons, just as He made me and just as He made you -- each with our talents and uniqueness. One of my sons is gay the other son is not. Both of my sons are successful businessmen. I would like to tell you about both of my sons, but since we are focusing on rights of gays and lesbians, I will speak only about my gay son. My gay son was reading by the time he was 3. By the time he went to kindergarten he was reading the daily paper before he left for school and could intelligently discuss the articles he read. He was involved in every aspect of church life, school life, athletics, and academics. He graduated with honors from Derby, Kansas, High School. He received a zillion scholarships. He accepted the ones to Stanford University. He graduated with three degrees from Stanford, attended University of Berlin and University of Vienna. He received his Masters of Business from Wharton School of Business. He also speaks seven languages. He is currently Vice President of Universal Studios. These are some nice accomplishments. As busy as he is, my gay is the one person who takes his handicapped paternal grandparents on a trip every year -- anywhere they want. They would never have been able to go to the Famers Hall of Fame, the Black Hills of South Dakota, Mount Rushmore, Yellowstone, the Grand Canyon, the Petrified Forest, Branson, Missouri, and on and on and on. He continually does things to make their life more enjoyable. People who witness the love, care and concern my son has for his grandparents say "Oh I wish I had a grandson like that." My son pays his taxes, he is extremely charitable, he cares for his family, yet is considered a second class citizen according to HCR 5033.

Senate Judiciary

3-17-04Attachment 25

This constitutional amendment denies the rights of many Kansans to marry the person they love. It also denies my rights to see my son marry the person he loves. I was able to see one of my sons marry the person he loves, but not my gay son.

HCR 5033 also denies the rights of many other parents, grandparents, sister's brothers, including the Vice President of the United States, Dick Cheney as his daughter is lesbian, the right to see their relative marry the person they love. Gays and lesbians are our neighbors, our friends, our fellow church members, our relatives, yet they are denied their rights.

It is not right that Brittany Spears can hop in and out of as many marriages as she wants, but my son, who is a tax-paying, talented, kind, and charitable person can not get married.

As legislators we must always care about everyone in Kansas and that includes all the gays and lesbians and their extended families. I stand firmly against HCR 5033 Constitutional Amendment to ban gay marriages.

Thank you Mr. Chairman and Members of the Senate Judicial Committee for allowing me to speak today.

H. Jan Scoggins-Waite

Senator Vratil and members of the committee, thank you for allowing me to testify for you today in opposition to HCR 5533.

My name is Dave Greenbaum and our synagogue married Michael Silverman and I in solemn religious ceremony on June 6th 1999. Reform Judaism, the largest Jewish denomination, as well as Reconstructionist Judaism supports both civil and religious marriages of members of the same gender.

As a couple, we are committed to volunteering in the synagogue and general community . We're hard working people who make positive contributions to our state, I'm a computer consultant and Mike is a software engineer. I was even hired to work on committee member's computer and was never asked whom I was married to. Most people don't care about the gender of my spouse.

We respect and understand that religions differ on their viewpoints on same sex relationships. However, one particular religious viewpoint should not be put in the constitution, thereby telling my religion and others that we are wrong and not welcome. Religious viewpoints are best left to theologians and sermons, not legislators and constitutions. We should not have to quote G-d or the Bible as the rationale for changing the Kansas constitution. Our Constitution should establish universal principles shared by all citizens, not the religious viewpoints of only some citizens.

Please refrain from adding this amendment to the Kansas Constitution, thereby closing all future discussion or compromise. Allow future legislatures to best determine the balance between different religious viewpoints. A compromise can and will be reached that can protect everyone's interest. Please do not permanently shut out those religions that differ on this issue.

Voting against this amendment does not mean you support same sex marriage, a vote against this amendment means you trust future legislators to determine what, if any, legal recognition same sex relationships will have.

We are simply asking to allow the current laws on the books to stand and not to trivialize Judaism's, and other religions, theological standpoint on same sex relationships.

Respectfully submitted,



David Greenbaum
dave@davegreenbaum.com

Senate Judiciary

3-17-04

Attachment 26

WEDDINGS



Ashley and Dustin Darting



Kristen and Craig Phillips



Taylor Stapleton

Holscher-Darting

Ashley Holscher and Dustin Darting were married Dec. 16, 2000, at the First Presbyterian Church, Topeka, with the Rev. Kirk Johnston officiating.

The bride is the daughter of Mark and Debbie Holscher, Paola. The groom is the son of Dennis and Jan Darting, Baldwin.

The maid of honor was Emily Holscher. The best man was Chris Benjamin.

Bridesmaids were Maureen Laux, Darla Blundell, Jessica Good, Codi Cutburth and Melissa Stallbaumer. Groomsmen were Jason Green, Brian Gresnick, Victor Rader, Colby Stanchfield and Cam Lindsey.

Kathryn Tieszn and Jessica Otto were vocalists. Sara Taggart was gift attendant. Renee Owens was the gift book attendant. Katie Johann was the program attendant.

A reception followed at the Topeka Performing Arts Center.

The bride graduated from Paola High School and Washburn University. She is employed at the First Christian Child Care Center, Topeka.

The groom graduated from Paola High School and Washburn University. He is employed at Berberich Trahan & Co. as an accountant.

The couple reside in Topeka.

Pierce-Phillips

Pierce and Aly Kirkpatrick. Brennan Kirkpatrick was ring bearer. Scott Andrews was the acolyte. Programs were passed out by Abby Pierce and Lindsey Andrews. Gift attendant was Cassie Pierce. The guest book was attended by Katie Williams and Sarah Peyton. Cake cutters were Angie Bingham, Krista Joy, Summer Gauger, Stephanie Neal and Beth Bell.

A reception followed at Heritage Hall at the Kansas Expocentre, Topeka.

The bride is a Topeka West High School graduate. She received a bachelor of general science degree from Washburn University where she minored in Spanish. She is employed by the Kansas University Medical Center. She is working towards a master's degree in physical therapy.

The groom is a Topeka High School graduate. He received a bachelor's degree in criminal justice from Missouri Western State College. He is employed as a state trooper in Douglas County by the Kansas Highway Patrol.

The couple reside in Lawrence.

Pollard-Stapleton

Taylor Ann Pollard and Josh Stapleton, both Arlington, Tex., were married June 16, 2001, at University Baptist Church in Arlington, with the Rev. Donovan Martin officiating.

The bride is a 1999 Arlington High School graduate. She will be a junior in the School of Education at Dallas Baptist University.

The groom is a 1999 Bowie High School graduate. He attended Dallas Baptist University. He is the owner of Joshua's Landscaping.

The couple reside in Arlington, Tex.

Silverman-Greenbaum

Michael D. Silverman and David S. Greenbaum, both of Lawrence, were married June 18, 2001, in a Civil Union in Brattleboro, Vt., with Justice Donald Long officiating.

Michael is the son of Susie and Jim Silverman, Omaha, Neb. David is the son of Jack and Karen Greenbaum, both of Boca Raton, Fla.

Michael is a 1991 graduate of Burke High School in Omaha, Neb. He received a bachelor's degree in political science in 1995 from Kansas University. He is employed as a senior quality assurance engineer for Netopia Inc., Lawrence.

David is a 1988 graduate of Copley High School in Copley, Ohio. He received a bachelor's degree in political science and psychology from Miami University, Oxford, Ohio. He is a regional coordinator for AM/PM PC Services of Lawrence.

The couple reside in

my name is Lacey Keller and I am a senior at Seaman High School in Topeka, Kansas. I want to thank you for this opportunity to speak regarding the proposed amendment, HCR5033.

I would like to take this moment to tell you a little more about myself. I grew up in a small, conservative, religious community called Sylvan Grove located in North Central Kansas. Although Sylvan Grove is a wonderful caring community, ethnic and cultural diversity is not this town's strong point. As a result, I did not easily accept the differences between people. When I moved to Topeka five years ago, I began to realize the importance of embracing our dissimilarities.

While at a friend's house a years ago, a girl explained to her group of friends her sexual orientation. I am sure that I speak for all of us that were there, that we were completely shocked. As I am from a small town, I had never met a gay person, let alone a bisexual, until this point. Honestly, I was a little bigoted and did not understand about sexual orientation. I was scared that I might offend her and terrified because I did not understand her.

Looking back, I am deeply in debt to this girl. She has since become my best friend and sole reason why I am here today. I vowed that I would spend the rest of my life fighting for her rights as a thank you for exposing me to reality.

We both realize that if she were straight her life would be much easier, but none of us choose our sexual orientation. We both know that homosexuality is something that is hard to come to terms with. She waited seven years until she could finally admit to herself, let alone others, that she was bisexual. Her family was distraught and was almost torn apart when they found out that their daughter was bisexual. Yet, they worked through their situation and are stronger since. Our school has been very understanding. Most of the teachers and students respect her orientation, as is the case with heterosexual students. Even still, there are occasions when students make hurtful and derogatory comments that administrators overlook.

Teachers drill the importance of sharing and caring for each other into children's minds. Yet, the legislators of this state seem to have forgotten these rudimentary principles. Will amending our constitution to promote discrimination send a good message to our youth? As much as we would like to deny the fact, we (as I say we I mean teenagers and children) look up to our parents and elders. We look on to you for moral support and knowledge. You have further shown us the importance of these lessons when we see the examples set in history.

While intense disagreements over civil rights fill our state's history, we eventually resolved the arguments and protect the rights of Kansas' citizens. Throughout our nation's history, Kansas has been a leader in many civil rights movements. In 1912, the people of Kansas gave women full suffrage rights eight years before the 19th Amendment was ratified into the United States Constitution. In 1954, *Brown v. Topeka Board of Education* led the African American civil rights movement as the court decided "'separate but equal ... [is] 'inherently unequal'" (Kansas State Historical Society¹).

Yet even today in front of our children's peering eyes, we argue if separate is indeed equal. Passing an amendment that denies civil rights and liberties to a select few would be ironic as this is the 50th anniversary of *Brown v. Topeka Board of Education*. Is this the message that our state, a leader in granting civil liberties, wants to send to the rest of the nation and most importantly, our children?

What is so wrong, so vile, so atrocious about civil liberties? Equal rights for all our citizens are an American value. We may not always achieve this goal but we should be determined to try. We are all human beings and when one takes away the right to live, this is atrocious. Yet, taking away one's civil liberties while they are living is just as horrid.

This issue will not magically disappear as women's suffrage did not end nor did the African American civil rights movement end UNTIL THEY WERE GIVEN THEIR CIVIL RIGHTS AND LIBERTIES. We have a dilemma. Do we ignore the past and deny this group of citizens' their civil liberties while setting a poor example for our children? Or do we uphold our history and in turn continue in our title as leaders in civil rights and promote a positive image toward our youth?

Remember, your children when you make your decision. We look up to you. We idolize you. We have already learned that hate is intolerable, but we are more likely to follow by example. What will be your child's example? Would they want to follow yours? In closing, I would like to leave you with one thought that plagues my mind daily.

**What injustices are we committing today
that our children will be reconciling in the future?**

Thank you for your time and consideration.

Senate Judiciary

3.17-04
Attachment 27

TESTIMONY TO THE SENATE JUDICIARY COMMITTEE ON H.C.R. 5033, PRESENTED AT A
HEARING ON MARCH 17, 2004
J.L. Cleland

Chairperson Vratil, Vice-Chairperson Pugh, and honorable members of the committee: I appear before you representing only myself, but in a larger sense, I represent thousands of Kansans. Statisticians agree that GLBT (gay, lesbian, bisexual, transgender) people represent between 4 and 10% of the general population, which is to say; I am talking about a significant amount of your Kansas constituency.

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 GLBT people it was never a matter of choice; rather, it is our natural, God-given state

Many of those testifying in favor of HCR 5033 will or have cited biblical or religious prohibitions or constraints regarding homosexuality. They refer to "the homosexual lifestyle" because they would have you believe that GLBT people made a choice to be "that way," and that they could change if I really wanted to.

Let me mention my Lifestyle to you:

- I choose to live in a rural area.
- I choose to live quietly and alone.
- I choose to rise at dawn and exercise.
- I choose to ride a bike a lot.

These choices are my Lifestyle.

I did NOT choose to be born—and I did NOT choose to be gay. Being gay is NOT a choice, and it is NOT a lifestyle.

So when the religious right shrilly refers to "...The Homosexual Lifestyle" they are demonstrating their intolerance and bigotry toward GLBT people, and in a subtle way they are trying to reinforce the misconception that being gay is a matter of choice.

The religious zealots of our country have had a longtime obsession about homosexuality, but the use of religious doctrine to dictate through government laws how we should live our lives is wrong and these religious arguments should have no place in your consideration of HCR 5033. The constitutional separation of church and state should assure this. Our country is governed by civil law—not religious.

Please consider, then, what place the State has in regulating marriage. Unquestionably, stable families lead to healthy, well-adjusted children and ultimately citizens—so the State is well advised to provide laws leading to this goal. Indeed, this is a strong argument for allowing same-sex marriages. All scholarly research or scientific evidence supports the fact that children being reared in stable, same-sex families are just as normal and well adjusted as their counterparts being reared in heterosexual families. According to the Adoption Family Center, there are 6 to 14 million children nationally who are being reared in gay and lesbian households.

If you are really concerned about reinforcing marriage, perhaps you should do something about the 60% divorce rate, the broken homes, and the single-parent households. It is the thoughtless, instant throwaway marriages that threaten the well being of the State. Stable, long-term gay relationships and families only strengthen it!

A concern as expressed by one of your colleagues, is that marriage has always been a man and a woman. Yet the very definition of marriage has always been in a state of flux, from women as chattel in earliest times, to laws forbidding slaves to marry, to laws forbidding inter-racial marriage—all deeply-held religious beliefs. Still, in the spirit of compromise, reserve the word "marriage" for unions between men and women. But at the same time, provide a mechanism whereby GLBT couples can have the same privileges and responsibilities as married heterosexual couples, whether you call it a civil union, a domestic partnership, or whatever. This is only FAIR and EQUAL TREATMENT of ALL your constituents! And, may I remind you that you were elected to represent ALL your constituents—not just the 90% heterosexual majority

Senate Judiciary

3-17-04
Attachment 28

Some of you may be concerned that "re-defining" marriage or providing equal rights for GLBT people might open the door for others to demand the same rights. But the "others" most often mentioned—bestiality, pedophilia, incest, and polygamy, are illegal, are mental illnesses, or are both. Being gay is neither!

It has been said that many of the rights and privileges of marriage can be arranged through a will. Yet inheriting a life mate's property can cost thousands in estate taxes and inheritance taxes, often forcing the surviving partner to sell the home and property.

Many of the other privileges of marriage simply cannot be legally arranged, such as hospital visitations, medical leave for a partner, family-related military and veteran benefits, and parental rights and responsibilities, to mention just a few.

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 anyone else is beyond rational understanding!

Try to imagine for a moment that one of your own children is gay. Wouldn't you want that child to have the same privileges and responsibilities in choosing a suitable life mate, as his heterosexual siblings?

This amendment is a product of the radical right. It is an anti-gay amendment, and what is really at the root of it is not defining marriage—it is about marginalizing gay and lesbian people

Consider carefully: If this amendment passes, it will be constitutional to engage in casual, promiscuous sex, but unconstitutional to be in a recognized, committed, relationship!

By any other name this amendment is discriminatory. Enshrining discrimination in the Constitution is ALWAYS WRONG!

The Rev. David E. Grimm
Unitarian Universalist Fellowship of Manhattan
481 Zeandale Road
Manhattan, KS 66502
minister@davidgrimm.com
(785) 654-3131

Marriage is a good thing to protect. In fact it's so good, it's better than most people realize.

So many benefits and rights come with marriage. You know the list

- Automatic inheritance rights
- Assumption of spouse's pension
- Bereavement leave
- Divorce protections
- Domestic violence protection
- Insurance breaks
- Property rights
- Tax break
- Wrongful death benefits

It's a long list. Hundreds of advantages society extends to those who partner together and support one another and their families throughout their lives.

Can you imagine what it would be like for you

1. to have a partner hospitalized and not be able to visit him or her?
2. to have a partner die and then not be able to collect their pension?
3. or keep the house you two paid for together?
4. or to have your will or power of attorney set aside by a judge who didn't recognize the legality of your relationship?

You would be outraged. Because you have marriage rights. And marriage rights, privileges and benefits are a good thing for you and your partner, and for society.

But, hypothetically, if the tables were turned in this society today and same-gender marriage was the only legal one... and your male-female mixed gender relationship was considered immoral/not legal, how would you feel then?

You know what I hear when I hear the President of the United States make public declaration to protect marriage, and the Kansas state

Senate Judiciary
3-17-04
Attachment 29

legislature consider an amendment to protect marriage? I hear "We believe in protecting our right to grant special privileges to the majority (mixed-gender partnerships) and to deny them absolutely to any other partnerships than our own."

It's hard to imagine how the President of the United States and the Kansas legislature can say this when "all men are created and endowed by their Creator with certain inalienable rights..." All deserve equal protection under the law. To change the law by amendment for the express purpose of denying equal protection and equal benefits to the minority when all have been created equal by the creator seems absurd... Then again, I guess it all depends on what the meaning of the word 'all' is, doesn't it? Evidently the President and those who support this amendment in Kansas believe the word 'all' doesn't mean everybody. For them, evidently, it doesn't mean gay and lesbian people.

How we can continue to discriminate on the basis of past practice or ancient religious prejudice is beyond me. Of course, there was a time when 'all' didn't include blacks either.

May God forgive us for this short-sighted attempt to amend the Kansas constitution in order to protect special privilege and to write discrimination against gays and lesbian people. May God lay a conviction upon our hearts about the meaning of the word 'all.'

I urge you to end this amendment attempt which is designed solely for the purpose of unjust discrimination.

Thank you.

the Rev. David E. Grimm

Paul Osgood

I am here today to speak in behalf of the sanctity of marriage. It is a sacred institution. I know many have trivialized it recently, but it is a sacred institution. One that should not be taken lightly.

Jerry and I have been together in a committed relationship for twenty-eight years. Our relationship is sacred as well. It is definitely a gift from God. I am a fourth generation Kansas teacher and moderator elect at Country Club Congregational United Church of Christ, and Jerry is the Minister of Music. The closer I grow in my relationship with Jerry the more I can see the true wonder and grace of God.

Our relationship is just as sacred as any heterosexual relationship. There are those that would say it is not. They would even use the bible to preach hate and bigotry against me. I know that God loves and accepts me. That I do not have to worry about. I have to worry about leading a more Christ like life, and that is my goal.

As legislators you are asked to lead. Many times it is hard when the hate is so great. I know that the hate must have been great when legislators were trying to abolish slavery, and the hate groups were waving the bible and pointing to references in the bible where they said God justified slavery. To vote against slavery and a black person's civil rights was not popular then, but thank goodness we had people that were willing to stand up for what was right. Standing up for my civil rights is not popular now, but I am asking you to support me.

In the past the bible was used to justify the Divine Right of Kings, and keep people subservient to the monarch. Quotes from the bible have been used to justify keeping black people in slavery. The bible has been used to justify making women subservient to men. We have moved on past those days, and we will move past the days were the bible is used as a weapon against me as well. I have faith in the human race. There will be a group of people that will find someone else to hate. They will probably find some quote in the bible to justify it. I hope we can move beyond hate to acceptance. God created us all in God's image. Even me, a gay man. What a beautiful image God must have if we can all be seen in God's image.

I am asking you to vote this travesty down. There is a minister that goes all over the country preaching hate and everyone knows that he is from Kansas. If HCR 5033 is passed once again Kansas will be in the world news as a state of bigotry and hate.

Kansas is where separate but equal was determined unconstitutional fifty years ago. Please support my relationship with Jerry. We are Native Kansans and proud of

Senate Judiciary

3-17-04

Attachment 30

it. No matter what, we will remain Kansans, and we will remain committed to each other.

Mary K. Corcoran
Lawrence, Kansas
17 Mary 2004

Testimony in Opposition to HCR 5033

I am a straight woman. It's important for you to know that I am a part of "the majority" speaking on behalf of a minority group. HCR 5033 does not directly affect me. I don't stand to personally gain or lose anything should it pass. I am here today to support the freedoms and liberties that *all* Kansans deserve.

When I think about HCR 5033, I do not think about the issue of gay rights or marriage equality. What hits me the hardest is the issue I have with amending our state constitution to exclude a group of people. It's been a while since I was in a history class, but I remember a famous quote by Thomas Jefferson: "All men are created equal and are endowed by their creator with certain inalienable rights, that among them are life, liberty and the pursuit of happiness." I also remember learning that the constitution is a document "of the people, by the people and for the people" - and "*the people*" is everyone - not just a select few. This amendment would challenge our state constitution's integrity. A vote in favor of HCR 5033 would be a vote in favor of discrimination and would exclude a class of people from civil liberties including the issue of wills and power of attorney.

HCR 5033 is divisive, distracts from more pertinent issues in our state, and rekindles hostilities and bias. Kansas currently has two* laws that prohibit same-sex marriage. These laws remain unchallenged. Furthermore, the Kansas Supreme Court has already decided in favor of marriage between two parties who are of the opposite sex. HCR 5033 is a drastic and unnecessary measure that would single out a class of people who already have laws that restrain them.

Amending our state constitution to exclude a group of people would be wrong. A constitution should not exclude anyone. I ask you to preserve our constitution's integrity and vote to protect our freedoms and liberties. Please vote no on HCR 5033.

*Source: Journal of the House, March 5, 2004).

Senate Judiciary

3-17-04
Attachment 31

Committee Chairman Senator Vratil and Senate Judiciary Committee Members:

Religious exiles from Europe, who were the founding Fathers of this country, came to The New World in search of a separation between church and government. It was these men that created the following sentence, some of the most profound words ever written:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness.

Those words are simple, however America has struggled with this sentence on more than one occasion over the last 227 years, debating whether or not that equality extended to all Americans. Of course, every occasion we decided that the constitution doesn't say "all men, except...are equal", but we decided that all men means ALL men. Today, we find ourselves in the beginning of a debate over whether or not homosexuals are "equal". Just like the last time the meaning of the sentence was questioned, we will eventually resolve that homosexuals can marry each other, just like everyone else.

While a lot of people believe that granting equal rights to homosexuals is the right thing to do, legally, many are having difficulty with that belief in that it is exactly opposite of the teachings of their chosen religion. But the beauty of America is that not everyone has to make the same choice of religious beliefs, and they won't be punished for it. Just because you believe that homosexuals should have the right to marry each other does not mean that you think it is moral. If a law or Constitutional amendment was passed making it impossible for homosexuals to marry, it would be imposing a religious moral on the rest of the country. The United States is now trying to install a democratic government in Iraq, in order to protect the rights of minorities from the will of a religious majority sect.

There is a lot of discussion recently about the horrible effect that homosexual marriage would have on our society. Seldom mentioned are the horrible effects caused by the over 1.3 million divorces in our country every year. How about an amendment banning divorces if you want to save our society? Not all traditional unions between a man and a woman are taken seriously, and not every homosexual who marries will not take their vows seriously.

Churches don't have to open their doors for gay marriages, but in a civil sense, homosexuals are entitled to the same rights and married tax benefits as heterosexuals. Homosexuals should enjoy the same survivor benefits, inheritance taxes, and hospital visitation rights as other civil unions.

Justice Scalia recently said in his dissent "Many Americans do not want persons who openly engage in homosexual conduct as partners in business, as scoutmasters for their children, as teachers in their children's schools, or as boarders in their home". He then went on to say that he has nothing against homosexuals.

Discrimination against anyone is wrong. The constitution declares that we are all entitled to equal rights...and that homosexuals have the same right to be married as heterosexuals, get divorced and pay taxes.

Tom Cyphert
503 SW Merriam Ct.
Topeka, KS 66611-1211

Senate Judiciary

3-17-04

Attachment 32

Dear Honorable Senators,

My name is Gwendolyn Evans and I am a member of the GLTB community.

When reading the preambles of the United States Constitution and that of the state of Kansas the similarities are quite striking in that they both indicate they are created by the people, for the people. Furthermore, they both state the securing of the rights of justice, equality (civil and/or religious) and Liberty (freedom) for ALL citizens. Other supporting documents include the Declaration of Independence, President Abraham Lincoln's infamous Gettysburg Address, and even the Pledge of Allegiance.

No where throughout these documents, through any verbiage, does it declare that Liberty, equality, justice and/or the pursuit of happiness (civil and/or religious) are applicable for just heterosexuals, the majority of citizens and/or the moral or religiously like-minded. Nor is it written that the majority of citizens or those holding political powers may construct law(s) in such a manner to deny some citizens their full and equal constitutional rights.

The US Constitution was amended with a Bill of Rights, so too was the Kansas Constitution amended. These Rights were added to further insure equality and justice for all citizens of the State of Kansas but in a more explicit manner. The first amendment is that of Equal rights stating, "**all men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness.**"

Equality, liberty, life, freedom of religion, the pursuit of happiness; While each one of these are extremely important, some Kansas citizens are being denied these rights. One much sought after, but long denied unalienable right is the equal and legal right to marry their loved one, regardless of gender. The reason for this denial is based on prejudice and like-minded moral and/or religious beliefs of others. However, Constitutionally, marriage still remains an inalienable right of all citizens. This issue is addressed by the Second amendment which provides instructions regarding Political power; privileges. It reads: "All political power is inherent in the people, and all free governments are founded on their authority, **and are instituted for their equal protection and benefit.**" From this statement, it is clear that the governmental powers are set in place to protect the rights of all citizens even if contrary to the personal beliefs of the majority.

There are those who will argue that marriage is a solemn and religiously sanctioned act and should remain for opposite-sexed partners only. They offer various reasons such as marriage is for procreation, it supports solidity of family units, and/or that it must be performed by a ordained clergy member to be legal in any faith. This issue was solved by the seventh amendment regarding Religious liberty. The seventh amendment is very interesting in that it provides for the freedom of religion **and** the freedom **from** religion

With that, Civil marriage is a good alternative for those that, for their own personal reason(s), do not want or desire the sanctioning of any specific faith. However, some citizens are still denied the right to seek their full and equal rights through Civil marriage.

This amendment protects minorities from negative and/or prejudicial decisions/laws thereby insuring full and equal rights for all citizens.

Senate Judiciary

3-17-04

Attachment 33

Steve P. 2011

Senator Vratil and members of the Judiciary Committee, thank you for allowing me to testify against HCR 5033.

I stand here today as President of the Kansas Democratic Lesbian, Gay, Bisexual, and Transgendered Caucus to ask your support to defeat the efforts of a small group of the members of the Kansas Legislature to add discrimination to the Constitution of Kansas.

We are currently celebrating the anniversary of Brown v. Board of Education and 50 years later, we are still debating separate but unequal. Laws against racial intermarriage were overturned over 30 years ago and the arguments used to support those racial intermarriage laws are being used today to support this Amendment.

The Amendment was approved in the House. We hope that you, the members of the Judiciary Committee, will defeat it here, in Committee, so we don't have to defeat it on the ballot.

Here are some of the reasons that we should fight any and all attempts to define marriage in a bigoted and biased way:

Marriage equality would build on America's tradition of moving civil rights forward and erasing the inequities of the past. More than 10 nations already allow same-sex couples to get married or to enter federally recognized domestic partnerships. What's more, the fact that excluding same-sex couples from marriage has a long history in this country doesn't necessarily mean that this policy is in keeping with American values. The real tradition in this country has been to pass laws to safeguard the American people and to expand laws where they leave citizens unprotected, as was done for voting rights and workplace protections. It is also an American tradition to abandon discriminatory laws, even if they are popular – as were bans on interracial marriage and Jim Crow laws segregating the races in everyday life.

Separate is not equal. Although any step toward legal recognition of same-sex couples and their families is a step in the right direction, LGBT families will not be truly equal until they can receive marriage licenses, too. As American history has proven, a separate but equal system does not ensure real equality. And nothing short of marriage would provide same-sex couples with the more than 1,000 benefits, responsibilities and protections afforded under law on the basis of marital status.

LGBT people deserve equal access to the American dream. Gay, lesbian, bisexual and transgender people grow up dreaming of falling in love, getting married and growing old together. Just as much as the next person, same-sex couples should be able to fulfill that dream. We know from anecdotal evidence that after same-sex couples have a commitment ceremony, their friends and family treat them differently – as a married couple. Shouldn't they, too, have the legal security that goes along with that?

Senate Judiciary

3-17-04

Attachment 34

Marriage provides families stability and security. One thing that both sides of the marriage issue can agree upon is that marriage strengthens families. Children are more secure if they are raised in homes with two loving parents who have a legal relationship with them and can share the responsibility of parenthood. According to conservative estimates from the 2000 census, there are more than 1 million children being raised by same-sex couples in the United States. Without the ability to establish a legal relationship to both parents, children of same-sex couples are left without important protections, such as Social Security survivor benefits. These children should not be penalized just because their parents are gay.

There are hundreds of ways in which state laws take marital status into account, including some of the most basic of human rights. State laws protect married couples in extremely important ways, such as allowing hospital visitation, the right to inherit without a will and the right to make decisions in a medical emergency. Some of these can be secured through costly legal documents, but not all of them can. Furthermore, same-sex couples – who pay the same taxes and work just as hard as other couples – should not be forced to pay higher taxes and high legal fees just because of whom they love.

The Constitution promises liberty and justice to all Americans, not just the majority. The Constitution has been used throughout American history to ensure, protect and expand the individual liberties of Americans. It has never been amended to single out a class of people for unequal treatment, but it has been amended to grant freedom of speech, religious liberty and voting rights for women. The Constitution should secure equality, not restrict it.

No religious institution would be required to perform a ceremony. The constitution not only provides for freedom of religion, but also freedom from religion. Just as no religious institution can be required by the government to marry an interfaith couple, no religious institution could or should be told to marry a same-sex couple. Right now, the government fails to ensure religious freedom when it refuses to honor the unions of same-sex couples performed by one religion the same way it honors those of opposite-sex couples.

Because same-sex couples are denied the right to marry, same-sex couples and their families are denied access to the more than 1,000 federal rights, protections and responsibilities automatically granted to married heterosexual couples.

Among those are:

1. The right to make decisions on a partner's behalf in a medical emergency. Specifically, the states generally provide that spouses automatically assume this right in an emergency. If an individual is unmarried, the legal "next of kin" automatically assumes this right. This means, for example, that a gay man with a life partner of many years may be forced to accept

the financial and medical decisions of a sibling or parent with whom he may have a distant or even hostile relationship.

2. The right to take up to 12 weeks of leave from work to care for a seriously ill partner or parent of a partner. The Family and Medical Leave Act of 1993 permits individuals to take such leave to care for ill spouses, children and parents but not a partner or a partner's parents.
3. The right to petition for same-sex partners to immigrate.
4. The right to assume parenting rights and responsibilities when children are brought into a family through birth, adoption, surrogacy or other means. For example, in most states, there is no law providing a noncustodial, nonbiological or nonadoptive parent's right to visit a child - or responsibility to provide financial support for that child - in the event of a breakup.
5. The right to share equitably all jointly held property and debt in the event of a breakup, since there are no laws that cover the dissolution of domestic partnerships.
6. Family-related Social security benefits, income and estate tax benefits, disability benefits, family-related military and veterans benefits and other important benefits.
7. The right to inherit property from a partner in the absence of a will.
8. The right to purchase continued health coverage for a domestic partner after the loss of a job.

Such inequities impose added costs on these families, such as increased health insurance premiums, higher tax burdens and the absence of pension benefits or Social Security benefits in the event of a partner's death.

Some same-sex and transgender families consult attorneys to draw up legal documents such as powers of attorney, co-parenting agreements and wills, that will at least permit them to declare who they wish to make health care and financial decisions for them if they become incapacitated; how they wish to share parenting responsibilities or, in the event of a breakup, custody of a child; and what they want to happen to their property when they die. However, these are not a substitute for legal protection under law and cannot provide the broad range of benefits and protections provided by law.

But, it is also the hope of the Kansas Democratic LGBT Caucus that all of you leave here today with a better understanding of what is at stake for the LGBT community in Kansas if a Marriage Amendment passes.

Coming out is hard. Standing up for human rights can also be hard. We, the Kansas Democratic LGBT Caucus, urge all of you to stand up for human rights and vote 'NO' when asked to move HCR 5033 out of Committee.

In closing, the first time I saw the following statement by Martin Niemoeller, German Lutheran pastor, was on a wall in Yad Vashem, the Holocaust museum, in Jerusalem. I used to include it in a presentation I gave about being Gay and Jewish. It's just as relevant today as it was when originally written.

"In Germany, they first came for the communists, and I didn't speak up because I wasn't a communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics and I didn't speak up because I wasn't a Catholic. Then they came for me - and by that time there was nobody left to speak up."

Dear Senator Vratil and members of the Senate Judiciary Committee:

I urge you to vote against HCR 5033, which attempts to write discrimination into the Kansas Constitution by defining marriage as "a legal union between one man and one woman as husband and wife." The supporters of this amendment believe that same-sex marriage is against God's will. Other people in our state believe that the admonition in the bible against homosexuality is not relevant in our time, anymore than the admonition against eating pork or shellfish. Our founding fathers wrote separation of church and state into our constitution and this argument does not have any place in our constitution and our laws.

At the time our country was founded, legal marriage was simply a contract with the state as women and their wealth were believed to be property of their husbands and marriage was simply a property transaction. Then, marriage had little to do with love, which is a fairly recent development as is the idea that both partners can have equal legal standing. Marriage has evolved over the history of our country. Only 35 years ago was marriage between people of different races recognized in every part of our country. Many of the same arguments used then are being used today to prevent our gay and lesbian citizens from having their committed relationships honored with the same responsibilities and rights of their straight counterparts. Marriage is a civil right that belongs to all. The decision to enter into marriage is a completely, private personal choice that every individual has the right to make for him or herself.

Allowing marriages between lesbian and gay couples to be recognized by the state does not in any way compel churches to recognize or bless the relationship. Churches are now allowed to perform same-sex marriages if they wish, or not. The Catholic Church today chooses not to recognize marriages of persons who have been legally divorced, nor should they have to. The government's only legitimate interest in marriage is to support stable relationships, which in turn makes society more stable. It is not the role of government to "protect the sanctity" of anything.

One only has to watch the steady stream of same-sex couples in San Francisco and other places over the last month, who were finally given the chance to make their unions legal to see how important this is to those couples. Many had been married in a church and had been together for 15, 25, 40 years and more and are evidence that same-sex couples are capable of being just as committed as straight couples, especially since they did not have the legal protections given their straight counterparts. These couples have been quietly raising families, earning a living, worshipping their God and contributing to their communities and nation. It is time our nation gave them equal protection under the law, as our constitution requires.

I ask you, please do not pass this amendment. It is clearly going in the wrong direction, moving backwards rather than forwards and would defile our constitution.

Sincerely,

Brenda Godsey, 1115 Plains Drive, Junction City, KS 66441, 785-238-1771

Senate Judiciary

3-17-04
Attachment 35

Testimony
The Reverend Thomas M. Belote

My name is Reverend Thomas Belote and I am the minister of the Shawnee Mission Unitarian Universalist Church in Overland Park. It is with a profound sense of disappointment and concern that I submit testimony to the Senate Judiciary Committee. As a resident of Kansas, as a person who has devoted my life to serving others, and as a clergyman, I emphatically urge you to oppose the Marriage Amendment (SCR 1619).

As a pastor, I minister to hundreds of families and married couples. When I ask couples about the difficulties in their marriages, I get many answers. Many identify employment and financial difficulties as the leading stress in their marriage. For others it is the cost of daycare or schools that are not adequately serving their children. For others it is the lack of health insurance, medical problems, or the cost of caring for aging parents. Not a single one has ever told me that gays and lesbians are responsible for the problems in their marriage.

The Marriage Amendment this committee is considering has absolutely nothing to do with strengthening or helping families. To the contrary it is harmful to Kansas families, further disenfranchising the thousands of same-sex couples living in Kansas who already face discrimination under Kansas law. It helps none and hurts many. That is always a bad sign for a piece of legislation.

In fact the only people who I see who would gain from this amendment are the legislators who stand to benefit by courting members of the religious right. In my religious tradition we have a name for those who would sell out the afflicted for personal gain. We call people like that Judas.

Senate Judiciary
3-17-04
Attachment 36

For the good of our State I urge and advise you fulfill your sworn duties as public servants in the State of Kansas. Those duties are to do what is best for the citizens of Kansas. Those duties are to protect the citizens of Kansas and to treat everyone with justice and equality. The Declaration of Independence asserts, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and pursuit of happiness." It is evidently true to me that this Marriage Amendment denies citizens their unalienable rights and is an affront to liberty and the pursuit of happiness. It is evidently true that this Marriage Amendment is a bigoted attempt to codify hatred and discrimination into our State Constitution. Constitutions are for rights, not wrongs.

You will doubtlessly hear from some religious leaders who will advise you to pass this amendment. But there is no consensus or unanimity in the religious community on this issue. Let each religious body decide whether it will extend the religious sacrament of marriage to its members. That is not for the State to legislate. But it is for the State to legislate on civic matters, and the basis for that legislation should be equality under the law and equal civil rights for all. My own denomination has offered same-sex couples the sacrament of marriage for over thirty years, and invited all families to full participation in our religious community.

For us, this is consistent with the Spirit of the Gospel as found in the words of Paul (Galatians 3:28) that "there is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female." In our civilized society we no longer have separate laws for those of differing religions. In our civilized society we no longer have separate laws for those of different races and different genders. Those types of laws were unenlightened and sinful in their day; today we look back on those days with embarrassment. So too will come a day when there is no longer

separate laws for gay and straight, and we will look back on these days as darkened by discrimination and contrary to God's will.

With every fiber of my being, I urge this committee not to codify hatred, discrimination and the laws of separate and unequal in our State Constitution. I urge you to vote down this immoral amendment. I urge you to continue doing meaningful, worthwhile work: the work of actually strengthening families and protecting the civil rights of all the citizens of this State.

Sincerely,

The Reverend Thomas Belote
Minister, Shawnee Mission
Unitarian Universalist Church

To: SENATE JUDICIARY COMMITTEE, The State of Kansas
From: Dr. Ernest Alan Benson, Topeka, KS

Dear Senator,

HCR # 5033 **Seriously Affects** YOU Personally, YOUR and my family, AND YOUR Future political career. Don't punt this one.

The current cultural fad of embracing anything "rebellious" and/or "shocking" severely endangers your family, your future, and likewise the family and futures of ALL Kansans. YOU were elected to wisely represent ALL Kansans and entrusted to make decisions on our behalf to protect your family and all families from laws which would further destroy our families and culture. The passing of HCR#5033 UNNECESSARILY puts our culture and country AT RISK of being further held hostage to and divided by persons seeking temporary personal shock thrills. YOU CAN hold the line on our country's further social decline. I respectfully employ and trust you to **VOTE AGAINST HCR#5033** and HONORABLY accept the LEADERSHIP RESPONSIBILITY entrusted to you by your voting constituents. DON'T "PUNT" ON THIS DECISION! This vote will affect YOUR FUTURE electability!

Sincerely,



Dr. E. Alan Benson,

A Kansas Voting Constituent

Senate Judiciary

3-17-04
Attachment 37



The Lawrence Alliance

P.O. Box 442069
Lawrence, Kansas 66044
Email alliance@lawrencealliance.org

March 15, 2004

Dear Senate Judiciary Committee;

I am writing on behalf of the Lawrence Alliance, which is an Advisory Board for the City of Lawrence, Kansas that seeks to create and maintain a discrimination-free environment in Lawrence. We believe that HCR5033 conflicts with Chapter 10, Article 1 of the Lawrence City Code (Human Relations Ordinance), which prohibits discrimination against lesbian, gay, bisexual, and transgendered constituents in Lawrence. Additionally, creating an amendment that is so controversial and divisive conflicts with both our City's and the Lawrence Alliance's goals to honor diversity and seek community inclusiveness.

We urge you to oppose HCR5033.

Sincerely,

Deb Taylor
President
Lawrence Alliance

From the Code of the City of Lawrence
CHAPTER X. HUMAN RELATIONS
Article 1. Human Relations

10-101 DECLARATION OF POLICY.

The practice or policy of discrimination against persons by reason of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, or disability is a matter of concern to the City of Lawrence, since such discrimination not only threatens the rights and privileges of the inhabitants of the city, but also menaces the institutions and foundations of a free democratic state. It is hereby declared to be the policy of the City of Lawrence, in exercise of its police power for the protection of the public safety, public health and general welfare, for the maintenance of business and good government, and for the promotion of the city's trade and commerce, to eliminate and prevent discrimination, segregation, or separation because of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, or disability. It is further declared to be the policy of the City of Lawrence to assure equal opportunity and encouragement for every person, regardless of race, sex, religion, color, national origin, age, ancestry, sexual orientation, or disability, to secure and hold, without discrimination, employment in any field of work or labor for which the person is otherwise properly qualified; to assure equal opportunity for all persons within this city to full and equal public accommodations and the full and equal use and enjoyment of the services, facilities, privileges and advantages of all governmental departments or agencies, and to assure equal opportunity for all persons within this city in housing, without distinction on account of race, sex, religion, color, national origin, age, ancestry, familial status, sexual orientation or disability. (Ord. 5436; Ord. 6522; Ord. 6658)

Senate Judiciary

3-17-04
Attachment 38

Statement before the Kansas Senate Judiciary Committee – March 17, 2004

Ladies and Gentlemen:

Good Morning. I appear before you today not as a supporter for gay marriage. I appear before you as simply a Kansas citizen who feels an obligation to protect our constitution. We must not permit the heat of our passions to cause the denigration of such a sacred document.

From the beginning, the citizens of Kansas have been ardent supporters of human rights. The prairies of Kansas are watered with the blood of those who paid the ultimate sacrifice so that others might be free. For seven years our forefathers fought so that Kansas might enter the Union as a Free State. Let us not now write bigoted and hateful words into our Constitution.

In 1947 I was born in Pratt, Kansas to Kansas born parents. I am a life-long Kansan. My parents instilled in my sister and me the traditional Kansas values of hard work, integrity, and fair play. I have lived my life in Kansas practicing these values. And, I believe that the practice of these values in my life has helped me to achieve success in my life and my work.

I came to Topeka as the new Postmaster in 1997. One of the benefits given to Postmasters at this level is the payment of closing costs for both the house being sold in the old city and the house being acquired in the new city. The United States Postal Service refused to pay these costs for me because the name of my male partner appeared on the deed to our house in Manhattan. The Postal Service would have paid these costs had the deed contained only my name or had it contained both my name and my spouse's name. I am certain that most reasonable people and certainly most Kansans can perceive the injustice in this.

Only two months from today, our nation will celebrate the fiftieth anniversary of what might arguably be the greatest Supreme Court decision of the last century. It is fitting that this case had its beginnings here in Topeka, Kansas as Brown v. the Topeka Board of Education. This decision struck down the "separate but equal" doctrine established in the 1896 Plessy v. Ferguson case.

U.S. District Court Judge Richard Rogers said that Plessy was "one of the worst cases ever handed down by the Supreme Court."

Judge Rogers went on to say, "It caused great harm to our black citizens. Why did it take so long for America to reach that point?"

My point in bringing this to your attention is that this process has been ongoing for more than one hundred years. And we are only now beginning to arrive at equality for our African-American citizens. Wendell Godwin was the Superintendent of Schools in Topeka in 1953 when he wrote a letter (copy attached) to Miss Darla Buchanan, an African-American schoolteacher. One sentence from this letter reads, "If the Supreme Court should rule that segregation in the elementary grades is unconstitutional, our Board will proceed on the assumption that the majority of people in Topeka will not want to employ Negro teachers next year for white children." When these same words are read with the light of today's understanding, they cause most citizens emotional distress. Let us tread lightly and carefully lest the words that we propose to include in our constitution today are read with a similar light in the future.

As I stated earlier, Kansans believe in fair play. While I personally see no difference between the commitment shared by me and my partner of almost twenty-eight years and the commitment shared by any other couple, I do understand the difficulties faced by those who through religious or other convictions might disagree. Let us disagree. But, allow us the room and the time to work together to seek a compromise. Let us work together to find common ground that will end injustice. Let us not slam the door by the addition of this unwarranted amendment to our State's Constitution.

Thank you for the opportunity to speak before you today.

Steve Pinkerton
2701 SW Fairway Dr.
Topeka, KS. 66611-1241

Senate Judiciary
3-17-04
Attachment 39

March 13, 1953

****TRANSCRIBED COPY****

Miss Darla Buchanan
623 Western Avenue
Topeka, Kansas

Dear Miss Buchanan:

Due to the present uncertainty about enrollment next year in schools for negro children, it is not possible at this time to offer you employment for next year. If the Supreme Court should rule that segregation in the elementary grades is unconstitutional, our Board will proceed on the assumption that the majority of people in Topeka will not want to employ negro teachers next year for white children. It is necessary for me to notify you now that your services will not be needed for next year. This is in compliance with the continuing contract law.

If it turns out that segregation is not terminated, there will be nothing to prevent us from negotiating a contract with you at some later date this spring. You will understand that I am sending letters of this kind to only those teachers of the negro schools who have been employed during the last year or two. It is presumed that, even though segregation should be declared unconstitutional, we would have need for some schools for negro children and we would retain our negro teachers to teach them.

I think I understand that all of you must be under considerable strain, and I sympathize with the uncertainties and inconveniences which you must experience during this period of adjustment. I believe that whatever happens will ultimately turn out to be best for everybody concerned.

Sincerely yours,

Wendell Godwin
Superintendent of Schools

wg/la

cc: Mr. Whitson
Dr. Theilmann
Mr. Caldwell

39-2



December 23, 1997

B. STEVEN PINKERTON

SUBJECT: Request for Deviation

This is in response to your request for a deviation to relocation travel policy.

You state that you have recently been promoted to Postmaster, Topeka, KS. In conjunction with your relocation to your new duty site, you were advised by the relocation management firm (RMF) that you were ineligible for the home purchase program due to the fact that you held title to your current residence with someone who does not qualify as immediate family. This is consistent with postal policy regarding titles as outlined in Handbook F-12, Relocation Policy, Parts 612(b) and 641(a).

You have requested a deviation to this policy citing a Message from the Postmaster General in Postal Bulletin 21901, dated August 31, 1995. The Postmaster General's message affirms a commitment to fair treatment of all employees; however, it does not change or suspend policies which currently apply to postal employees. The policy cited above precludes the use of the RMF for home purchase unless the title is held solely by you, or by you and a member of your immediate family. Immediate family is described in the F-12, Part 234. Accordingly, your request for a deviation to permit use of the RMF home purchase program is denied.

The policy on how titles are held applies not only to the use of the RMF for home purchase, but to reimbursement of certain legal and related expenses on residences bought or sold without the RMF as well. You are entitled to sell the home yourself and purchase a home at the new duty station, however, reimbursement will be limited to 50% of the allowable and customary costs incurred.

A handwritten signature in cursive script that reads "Jayne Schwarz".

Jayne Schwarz, Manager
Corporate Accounting
Finance

cc: Jean Parris

The issue on which we speak of today is not one of whether we should allow two people of the same sex to marry. The religious right would love to have you believe that this is an issue of pop culture. Let me assure it is not! This is an issue of equality!

One of the most basic rights of all is the right to love and live with the mate of your choice. In 1967 one hundred years after the 13th amendment to the constitution men and women of mixed races were finally allowed to marry. Today we the gay and lesbian citizens of Kansas stand before you and demand our equal human rights. Under law we are denied legal protection that our heterosexual brothers and sisters take for granted. We do not want to infringe on the religious rights of our fellow citizens but we will not tolerate our rights to equality being infringed upon either.

This is an issue many members of the Kansas Legislature are dreading. There are those who will predict doom and gloom if a member votes against this measure. On the 50th anniversary of Brown vs. the Board of education right here in Topeka let us remember the safe position was to support segregation. The religious right was using the same Biblical arguments to support segregation. We must move boldly to assure that the freedom of all Kansans is respected. Kansas the state was born to a bloody struggle for freedom; let us not deny civil rights to our gay and lesbian citizens.

Shakespeare said, “ A rose by any other name would smell as sweet”. Whether we call it marriage, civil unions or domestic partnerships is not of great importance. It is the legal rights we are demanding. The 14th amendment to the United States Constitution grants equal rights to it’s citizens, we are asking for those equal rights to be honored in the state of Kansas.

In closing let me remind all of my legislative friends of a truly scary legislative vote. It was taken in the year 1776 when the Second Continental Congress voted to declare independence from Britain. Their vote not only endangered their reelection but their lives as well. Let us follow in their footsteps and vote for the rights of this great state’s citizens. I urge you to vote no on this issue!

Lawrence L. Hurlbert
03/16/2004

The issue on which we speak of today is not one of whether we should allow two people of the same sex to marry. The religious right would love to have you believe that this is an issue of pop culture. Let me assure it is not! This is an issue of equality!

One of the most basic rights of all is the right to love and live with the mate of your choice. In 1967 one hundred years after the 13th amendment to the constitution men and women of mixed races were finally allowed to marry. Today we the gay and lesbian citizens of Kansas stand before you and demand our equal human rights. Under law we are denied legal protection that our heterosexual brothers and sisters take for granted. We do not want to infringe on the religious rights of our fellow citizens but we will not tolerate our rights to equality being infringed upon either.

This is an issue many members of the Kansas Legislature are dreading. There are those who will predict doom and gloom if a member votes against this measure. On the 50th anniversary of Brown vs. the Board of education right here in Topeka let us remember the safe position was to support segregation. The religious right was using the same Biblical arguments to support segregation. We must move boldly to assure that the freedom of all Kansans is respected. Kansas the state was born to a bloody struggle for freedom; let us not deny civil rights to our gay and lesbian citizens.

Shakespeare said, "A rose by any other name would smell as sweet". Whether we call it marriage, civil unions or domestic partnerships is not of great importance. It is the legal rights we are demanding. The 14th amendment to the United States Constitution grants equal rights to it's citizens, we are asking for those equal rights to be honored in the state of Kansas.

In closing let me remind all of my legislative friends of a truly scary legislative vote. It was taken in the year 1776 when the Second Continental Congress voted to declare independence from Britain. Their vote not only endangered their reelection but their lives as well. Let us follow in their footsteps and vote for the rights of this great state's citizens. I urge you to vote no on this issue!

Lawrence L. Hurlbert
03/16/2004

From: "CPI" <eleanor@cpiatools.com>
To: <DeeAnnW@senate.state.ks.us>
Date: 3/16/04 8:53AM
Subject: testimony

March 15, 2004

Honorable Members of the Senate Judiciary Committee:

My name is Eleanor Adams Harris. I live in Stilwell, Kansas, where I operate a small business with my husband, Steve. I am testifying here to urge you to vote "No" on efforts to ban same-sex marriages.

Steve and I care for my elderly aunt. Soon, his mother will become a Kansas resident and together we will provide various forms of support for her that any of you with aging relatives are likely familiar with. We will share this not because we are a heterosexual couple, but because we are a married couple. If I was single and caring for my aunt and he was single and caring for his mother, and he and I were not caring for each other, we would all be poorer for it.

I object to any legislation that would prohibit a significant portion of the population from getting married. I hope more gay people get married and that the State of Kansas recognizes those marriages, because the result would be more families. I am not suggesting that marriage is for everyone. However, the people I have known that should remain single are people who have a propensity for violence. They should live alone. They should not have children or elders depending upon them. Everybody else should get married and start taking care of people because that is what makes people happy and, you know, pursuing happiness is already guaranteed in writing.

Please vote "No" on SCR1619 and HCR5033. Every step toward altering the Kansas Constitution to codify bigotry in this way will damage our society. These measures should not "make it to the floor". Morality legislation needs to have a good deal of popular support and must not tread on the rights of minorities. The proposed legislation fails on both counts, and it is the legislation that is immoral.

Senate Judiciary

3-17-04

Attachment 41

**TESTIMONY TO THE SENATE JUDICIARY COMMITTEE
ON H.C.R. 5033, PRESENTED AT A HEARING ON
MARCH 17, 2004
Dean Cook, M.D.**

I am Alva Dean Cook Jr. and I live at 1708 S.W. 26th St. Topeka, KS, 66611. I am a Board certified Psychiatrist and am a Distinguished Lifetime Fellow of the American Psychiatric Association. I am a PFLAG member. I am here to testify against this legislation.

You may get testimony that sexual orientation is a choice or even worse that it is a psychiatric condition or illness that can be treated. The best scientific evidence that we have concludes that sexual orientation is genetically determined- meaning that it is biologically determined at conception. Both the American Psychological Association and the American Psychiatric Association have removed sexual orientations from their categories of diseases.

Most often people have confused the term average with the term normal. Right-handedness is average handedness but left-handedness and right-handedness and being ambidextrous are normal. Years ago attempts were made to correct left-handedness with cruel and unusual treatments. Currently some claim that sexual orientation can be changed. Ample evidence shows that to be false.

Heterosexual marriage is the average marital state but we have ample of examples good, stable and loving gay and lesbian households. My faith in this state and this country is that we recognize that all people are equally created but every person is unique and different. All people are equal before the law. We have not always had laws that provided equal treatment and justice but legislators such as you have corrected bad laws. My hope is that you will not make and pass a bad law. Now is the time to time to proclaim equality and equal treatment for everyone in Kansas.

I would be willing to answer questions.

HCR 5033

**THOUGHTS ABOUT A CONSTITUTIONAL AMENDMENT
TO LIMIT MARRIAGE TO ONE MAN AND ONE WOMAN**

1. ANY TIME YOU PROPOSE TO MAKE A LAW THAT RESTRICTS THE RIGHTS OF ANY PARTICULAR GROUP OF PEOPLE YOU ARE CODIFYING DISCRIMINATION.
2. REASONS OFTEN GIVEN FOR JUSTIFYING SUCH DISCRIMINATION ARE BASED UPON A RELIGIOUS PERSPECTIVE. GIVEN THAT EVERY PERSON IN THIS STATE IS FREE TO BELIEVE OR NOT TO BELIEVE IN ANY PARTICULAR FAITH, ANY STATUTE THAT ENFORCES ANY FAITH OR CONCEPT OF THAT FAITH IS OUTSIDE THE REALM GOVERNMENT SHOULD OCCUPY.
3. IT IS SAID SAME GENDER MARRIAGES ARE NOT REASONABLE BECAUSE OF THE INABILITY TO NATURALLY PRODUCE CHILDREN. NON CHILD PRODUCING MARRIAGES BETWEEN HETEROSEXUALS HOWEVER ARE NOT SIMILARLY PROHIBITED. THAT IS DISCRIMINATION.
4. IT HAS BEEN SAID, BUT NOT SUBSTANTIATED NOR ACCEPTED BY MOST SOCIAL WORKERS, THAT SAME GENDERED COUPLES ARE NOT PROFICIENT PARENTS. THE QUALITY OF PARENTHOOD FOR HETEROSEXUAL PERSONS IS NOT A QUALIFICATION FOR MARRIAGE. THAT IS DISCRIMINATION.
5. IT HAS BEEN SAID THAT HOMOSEXUALS ARE PROMISCUOUS THEREFORE MARRIAGE SHOULD BE DENIED THEM. THAT, OF COURSE, IS SUBJECT TO MUCH SPECULATION. NEEDLESS TO SAY THE SAME BASIS IS NOT SUBJECTED ON HETEROSEXUALS TO MARRY. THAT IS DISCRIMINATION.
6. IT IS SAID THAT SAME GENDER COUPLES CAN CREATE WILLS, POWERS OF ATTORNEYS AND OTHER SUCH LEGAL DOCUMENTS TO PROVIDE THE BENEFITS OF MARRIAGE. IT IS EXPENSIVE AND, IT IS QUITE POSSIBLY PROHIBITED BY THE WORDING OF THE PROPOSED AMENDMENT. THAT IS DISCRIMINATION/
7. IT IS SAID THAT SAME GENDER MARRIAGES WOULD HAVE SOME NEGATIVE EFFECT ON HETERSEXUAL MARRIAGE. NO ONE HAS EVER SAID WHAT THAT NEGATIVE EFFECT WOULD BE. NO ONE HAS EVER TOLD ME THEIR MARRIAGE WOULD BE ALTERED BY THE MARRIAGE OF TWO MEN OR TWO WOMEN.
8. THE TRUTH IS SIMPLE. THE ONLY RESULT OF THIS AMENDMENT IS CONSTITUTIONAL DISCRIMINATION.

Franklin E. (Dum) Rhodes
2331 S. Emerson
Wichita ks 67211
316-262-2112

Senate Judiciary

3-17-04Attachment 43

Re: Oppose HCR5033

Dear Senator Vratil and members of the Senate Judiciary Committee:

Each of the K-State football games is opened with the Pledge of Allegiance and these words---“We holds these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness.

Whenever I say these words I feel a mixture of pride, sadness and anger. I have a gay son and he and his partner are not totally under this umbrella of equal rights. I’m not going to lobby for voting in the right of gay marriage in Kansas. I am going to ask that you be very careful, however, about putting a Constitutional amendment in place to ban it.

When I think about our Constitutional rights, I picture the room at the bank where my safety deposit box is. I think of each box as a right we have had insured by our Constitution. We don’t always like it when we don’t agree with how free speech is being used or how the right to peaceful assembly plays out, especially when it goes against our world view, but we know those rights are safe.

If our government starts using amendments to that document to take away rights that haven’t even been established, what is next? Will all the boxes be locked up and the safety deposit box room closed?

Please vote against amending our State Constitution to ban gay marriages. We need the door to freedom to be open and safe.

**Thank You,
Beverly Cole
Salina, Ks**

Senate Judiciary

3-17-04

Attachment **44**

Mr. Jason Chaika
Mr. Terry Bowers
318 SW Saline St.
Topeka, KS 66606-1918

March 15, 2004

Dear Honorable Senators:

We are writing to urge you to vote No on HCR 5033.

First, allow us to thank you for your time. We have no doubt that you are currently overwhelmed with communications from your constituents regarding HCR 5033. This is an emotional issue for all concerned.

With that said, this bill affects us as committed Life Partners of 6 years, both directly and personally. To us, this bill is not election year rhetoric, nor a hypothetical or theoretical topic for debate. This bill affects our lives.

Vote No on HCR 5033. It is mean-spirited, discriminatory, and Un-American.

As taxpaying, law-abiding, voting Kansans and American citizens, we believe that the respective Constitutions of Kansas and the United States of America should mandate equal protection for Gay People.

Objections to allowing Gay People their full civil rights are frequently based in religions beliefs. I state the obvious when I note that we do not live in a theocracy. The dominant and popular religion of our day does not, and should not, have the license to dictate law. Our country's founders had great wisdom when they coined the phrase 'separation of church and state'. When we allow a particular theology to influence legislation, we are in effect promoting a particular religion over others. This is in direct conflict with the 1st Amendment of the U.S. Constitution.

In your consideration, please be aware that there is a distinct difference between civil partnerships recognized by the State, and spiritual marriages solemnized by a church. The legislatures of Kansas and America have no business "sanctifying" anything. The business of sanctifying belongs to the church. The business of assuring the full and equal rights of all citizens belongs to the government. Allowing gay civil marriage would not in any way force any church to recognize these unions.

Historically, the Constitution has assured equal rights for citizens, and not explicitly prohibited them. We implore you to not use the Constitution as a tool for those that would discriminate. Instead, use the Constitution to ensure the full and equal civil rights of all Kansas citizens.

Please vote No on HCR 5033.

Sincerely,

Mr. Jason Chaika & Mr. Terry Bowers
318 SW Saline St
Topeka, KS 66606-1918
(785) 354-9903
email: jcmugwump@cox.net

Senate Judiciary

3-17-04
Attachment 45

The League of Women Voters of Kansas®

On behalf of the League of Women Voters of Kansas, and in conjunction with our parent organization, the League of Women Voters of the U.S., which is a member of the Leadership Conference on Civil Rights, I wish to provide testimony opposing HCR 5033. We urge you to oppose this amendment, a radical proposal that would permanently write discrimination into the Kansas Constitution. This is a highly divisive amendment and is an unnecessary approach to resolving the ongoing debate over same-sex marriage. Its passage would require that this state actually restrict the civil rights of its citizens.

The issue of same-sex marriage is an extremely difficult and sensitive one, and people of good will can and do have heartfelt differences of opinion on the matter. However, there are right and wrong ways to address the issue as a matter of public policy, and we are extremely concerned about any proposal that would alter our most important documents - the Kansas Constitution and the U.S. Constitution - for the direct purpose of excluding any individuals from the guarantees of equal protection. For the first time in history, this amendment would use the Constitution as a tool of exclusion, restricting the rights of a group of citizens. It would not only prohibit equal marriage rights to same-sex couples, but it would deprive same-sex partners and their families the fundamental protections such as hospital visitation, inheritance rights, and health care benefits, whether conveyed through marriage or other legally recognized relationships. This runs afoul of basic principles of fairness and will do little but harm real children and real families in the process.

We are particularly troubled by the virulent rhetoric of some organizations working to enact the proposed amendment, and their hostility towards gays and lesbians. The attacks made by many of the most vocal proponents are disturbingly similar to the sorts of attacks that have been made upon other communities as they have attempted to assert their right to equal protection of the laws. This is an element of the debate that the civil rights community finds deeply disturbing, as should all fair-minded Americans.

In addition, supporters of this amendment cite "judicial activism" as a reason to enact it. Terms like "judicial activism" are alarming, because such labels have routinely been used in the past to attack judges who made courageous decisions on civil rights matters. When Chief Justice Earl Warren wrote the unanimous U.S. Supreme Court decision in *Brown v. Board of Education* (1954), for example, defenders of segregation cited "judicial activism" across the South and across the country. Today, we here in Kansas, as well as others across the country, are preparing to celebrate and honor the 50th anniversary of this landmark decision! A decision of inclusion - not exclusion. A decision in favor of civil rights for all - not just for some.

This state and this country have many great and pressing issues. Our legislative bodies can ill afford to exert time and energy on such a divisive and discriminatory constitutional amendment. We ask you to focus on the critical needs of this state and to publicly oppose this amendment.

Janis McMillen, President
League of Women Voters of Kansas

Senate Judiciary

3-17-04

Attachment 46

919 ½ S. Kansas Avenue
234-5152
913-341-3072
341-3072
Topeka, KS 66612

785-

913-

Dee Ann Woodson

HR 503

Timber

From: "Lynn Dhans" <akasmiling@hotmail.com>
To: <DeeAnnW@senate.state.ks.us>
Date: 3/15/2004 4:18 PM

I am emailing you my prepared speech for the senate hearing on the marriage ammendment

Good Morning Senators,

I am here in a very distressed state over what is taking place here today. The fact that we have to debate this, never mind the fact that we have even dared to entertain the idea of taking away personal freedoms based on personal prejudice is appalling to me.

Pt1

Some argue that not to pass this amendment would be to degrade the value of marriage. I ask you how that can be when we as heterosexual couples have already fully degraded the value of marriage. Statistics now show that 50% of all marriages will not make it past the first five years. How much value do we put in marriage with reality shows such as Married by America, The Bachelor / Bachelorette, and Who Wants to Marry a Millionaire when the contestants did not even meet the potential groom till he picked his bride. Let us not also forget Pop Icon Brittny Spears recent 55-hour marriage. When interviewed later her former husband said it all came about when he looked at Brittny and said "lets do something wild and crazy, lets get married for the hell of it." What does it say when we have children watching our every move and all we are showing them is that we are trying to ban loving and committed couples from being married, but we do nothing to curb the divorce rate of heterosexual couples. It just shows our intolerance for a lifestyle that differs from our own.

Pt2

There are those people who argue that homosexuality is a deviant behavior. Yet if we look at sociologists studies in the DSM IV (Diagnostic and Statistical Manual IV), published by the APA (American Psychological Association), homosexuality is no longer classified as a deviant behavior, it is

Senate Judiciary

3-17-04

Attachment 47

now considered a societal norm. Scientists have also released studies that show that homosexuality just like heterosexuality is based on your brains chemistry. We have no basis for discrimination; we must stop ignoring the facts, and progress as a society to actually make the phrase “equality for all people” a reality. By passing this amendment the only thing that we accomplish as a society is to take a step backwards and justify discrimination against a sect of people just because we do not understand their way of life.

Pt3

There will also be those people who will stand up here today and say that this is a question of Christian morals. I say if you use this as an excuse to pass this amendment, then you violate the 1st amendment of the Separation of Church and State. We live in a country that prides itself on having many different people and religions co-existing in this country. Now we dare to elevate one of those faiths above the others and violate the constitution by integrating its values and rules into our laws. This is a blatant violation of rights that all people hold near and dear to them, rights that our very country is built upon.

The question that I will pose to all people in this room today is if we start violating personal rights with this, where will we stop? A quote by Martin Niemoeller, a German Lutheran Pastor states. “In Germany, they first came for the communists, and I didn’t speak up because I wasn’t a communist. Then they came for the Jews, and I didn’t speak up because I wasn’t a Jew. Then they came for the trade unionists and I didn’t speak up because I wasn’t a trade unionist. Then they came for the Catholics and I didn’t speak up because I wasn’t a Catholic. And then they came for me and by that time there was nobody left to speak up.” When will the justification of discrimination based upon our fear of change end? Bigotry is not acceptable in any form and that is all that this amendment would be a justification of bigotry.

Frustrated with dial-up? Lightning-fast Internet access for as low as \$29.95/month.

47-2

From: Linnea Johnson <RedStugaStudio@cox.net>
To: <DeeAnnW@senate.state.ks.us>
Date: 3/10/04 2:06PM
Subject: Statement Supporting Lesbian and Gay Marriage

Thank you for allowing me to submit a written statement supporting Lesbian and Gay Marriage. Linnea Johnson

Linnea Johnson
 5635 SW 45th Street
 Topeka, Kansas 66610
 RedStugaStudio@cox.net /785.478.0046

10 March 2004

Separate Is Not Equal

"The history of our nation has demonstrated that separate is seldom, if ever, equal... for no rational reason, the marriage laws of the Commonwealth discriminate against a defined class."

-MA Supreme Judicial Court advisory opinion to the Senate.

In this the 50th year since the Brown v Board of Education decision overturned sixty years of legal intolerance against black citizens, as a Kansan and a lesbian, I demand that this city, this state, and this country make NO NEW ³SEPARATE BUT EQUAL² LAWS VIZ. LESBIANS AND GAYS IN REGARD TO MARRIAGE, OR IN REGARD TO ANY OTHER ISSUE. NO MORE SEPARATE BUT EQUAL LEGISLATION. Not now. Not ever.

Conservative christian heterosexuals seem to be scared of the full function of equal protection (for all citizens) under the law. Whether that fear is authentic or is cynical strategy to deny all but conservative christian heterosexuals from enjoying civil rights deserves our close scrutiny. Their Federal Marriage Amendment prohibiting same-sex couples to marry would be the first time the Constitution was altered to discriminate against a specific class of citizens.

Also, the thousand or so federal benefits and entitlements which heterosexuals have granted to themselves are only accessible through civil marriage. These are government entitlements, not religious ones. What one citizen enjoys, every citizen should enjoy. Anything else, or less, is unconstitutional, unconscionable bigotry.

For now, let's deal as-is with conservative christians' as-stated hyperbolic fear, dread, and loathing of same-sex marriage.

Frankly, though, in a secular society, it is immaterial (and should remain immaterial) if, in fact, christians fear, dread, or loathe people of color (the last group this country disenfranchised) or same sex marriage. As a citizen, I bear my civic responsibilities and I want the concomitant privileges currently, and I maintain, illegally withheld from me. All people in this state and in this country are entitled to the full protection of equal interpretation of the law.

Further, of the approximately ten to twenty percent of the population who

Senate Judiciary

3-17-04
 Attachment 48

are lesbian or gay, those of us who want to establish a matrix of reciprocal rights and responsibilities in union with another person execute appropriate legal instruments to state who owns what together, who says what in times of extremis, inherits what when a partner dies, and so on. We buy homes together, wear rings we've exchanged with one another, raise our children together, celebrate achievements and tragedies with one another, keep scrapbooks of our lives together, and love one another as we are able.

So, surprise, whether Kansas or anyone likes it or not, lesbians and gays of these United States are already united, linked, yoked, connected, married, wedded, joined, coupled, espoused if we want to be even if unsupported or uncushioned by the full protection of the laws of the country of which we are citizens. A rose is a rose is a rose, a citizen is a citizen is a citizen, married is married is married.

With so many fervently held backward and egregious bigotries to choose from in this country, let us recall one particularly hateful, goofy, and long standing state law analogous to existing Kansas law and to proposed U.S. and Kansas legislation regarding same-sex marriage: Alabama prohibited interracial marriage until the year 2000 on the grounds that it was ³unnatural² and ³immoral² (to the white bigots who wrote the laws, anyway). It should remain a roaring, screaming, whirling red light cautionary lesson that the exact same arguments used against same-sex marriages recently were used against heterosexuals who wished to marry a person of a different race

Blessed by eight justices and a majority population who should have known better, this country practiced not only legal miscegenation but legal and equally odious segregation for sixty years, from the 1896 "SEPARATE BUT EQUAL" Plessy v Ferguson Supreme Court decision until the 1954 Brown v Board of Education Supreme Court decision.

One wonders, given U.S. and Kansas¹ stand on the necks and hearts and civil liberties of lesbians and gays regarding equal protection under civil law, if Kansas is straining to hurl itself back to the New Old School South! Will Kansas echo with the familiar chants of hypocrites, bigots, and demagogues bellowing, ³Segregation now. Segregation forever²?

Also, before heterosexuals deign to institute laws for lesbians and gays, might I strongly suggest that heterosexuals redirect their heterosexual impulse to shore up their premiere and decomposed, conked out and pathetic heterosexual institution of heterosexual marriage. As it is now, this pitiful heterosexual fervor feels like some slob housekeeper giving an earnest housekeeper hints, indeed laws, on how to keep house.

Want to save heterosexual marriage? Write a constitutional amendment outlawing divorce and adultery. The only real threat to heterosexual marriage are heterosexuals themselves.

If, however, conservative christian bigots wish to thump bibles as their source of inspiration for making secular marriage law, let them be less selective, more biblically-correct and inclusive by including these equally biblical, contradictory, and arcane dicta:

* Marriage in the United States of America shall consist of a union between one man and one or more women. (Gen. 29:17-28; II Sam 3:2-5.)

* A marriage shall be considered valid only if the wife is a virgin. If the wife is not a virgin, she shall be executed. (Deut. 22:13-21)

* Marriage of a believer and a non-believer shall be forbidden. (Gen. 24:3; Num. 25:1-9; Ezra 9:12; Neh. 10:30, 2 Cor. 6:14)

* Marriage shall not impede a man's right to take concubines in addition to his wife or wives. (II Sam 5:13; I Kings 11:3; II Chron. 11:21).

Concubines, perhaps, but remember, Thou Shalt Not Commit Adultery. Adultery is mentioned a provocative 69 times in the bible. Not committing adultery is also the seventh commandment.

And, since religious marriage is to be lifelong, neither the U.S. Constitution nor any state law shall permit divorce. (Deut. 22:19; Mark 10:9-12). One marriage only. That's right, no more ³starter² marriages, no no-fault divorce, and no more religion professors second-marrying their decades younger students. Indeed, no divorce at all. You make your bed once. You lie in it forever.

Therefore, heterosexual adultery must carry the death penalty. No het girlfriends, guys. No het boyfriends, gals.

This also means no nice heterosexual married ladies (or gentlemen) waking up in San Francisco, Iowa City, Paris, Prague, Wichita, or P-town wearing buttons which read ³I'm not a lesbian, but my girlfriend is². No ³experimenting.² No aching. No dreaming. No begging. No exceptions.

You will recall, too, that in two of the gospels Jesus speaks about divorce. And adultery. In the bible, Jesus declares clearly and unambiguously that when someone divorced remarries, that person is committing adultery.

* If a married man dies without children, his brother must marry the widow. If the brother refuses to marry the widow, or deliberately does not give her children, he shall pay a fine of one shoe and be otherwise punished in a manner to be determined by law. (Gen. 38:6-10; Deut. 25:5-10).

*If religious marriage is supposed to be for the purpose of procreation, then, should one be incapable of procreation, or should one halt procreating, the marriage will be dissolved. Similarly, the old shall be forbidden to marry, as shall the infirm, as shall all others not pledging or demonstrating persistent procreation. Wow, no more sexless marriages!

Other proscriptions in the bible prohibit usury. No more buying money, using credit cards, getting mortgages, or loans! Not if you follow biblical law.

No more pork chops, either! No ribs, bacon, ham, or rinds, folks, if the biblical prohibition against eating pork products is to be observed, if christians are not to, as they do now, pick and choose which teachings to observe.

Let us, however, not forget that ³christian marriage² is defined by the Catholic Encyclopedia as ³marriage between baptized persons². They further note that it ³was invented in the Church by men² and was not a sacrament ³before the time of Gregory² (a medieval Catholic who died about 604). The Catholic Encyclopedia also tells us that the ³modern Catholic system is

a...development of medieval Catholicism:² indeed!

Recrafting civil law to mimic church law, however preposterous, will necessitate the revocation of the Constitution of Kansas as well as the Constitution of the United States. Amending documents to mean the opposite of what they were written to mean will not suffice. Robbing citizens of equal protection, historic tradition that it is in this country given slavery and such other ³traditions,² by simply amending state and national constitutions will not suffice in this case.

Further, re-vivifying the failure-ridden institution of heterosexual marriage, may necessitate making more lenient the murder laws of Kansas, despite the bible, given the incidence of male brutality against women within traditional marriage. Women, still not accorded full legal status under the U.S. Constitution, may have to go unpunished for opting to kill husbands who beat them and their children, husbands who do not support their children and families, husbands who abandon their offspring, home, and wives, etc., et alia, ad nauseum, ad infinitum.

Before we forget entirely, let us remember that the history of one man-one woman heterosexual marriage is rooted in patriarchal property law, with women and children being considered as much the husband's property as were his land or cattle. There are mixed-sex couples who work hard to achieve balance within marriage, who struggle with the history, strictures, and demands of the structure of marriage they find and enter. They are valiant and rare as are all those who struggle to make fit other received values, beliefs, and structures.

However, consider the possibility that the truly equal marriage can perhaps ONLY exist for same-sex couples neither of whom are duty bound to one another, but who freely choose one another and then construct those structures which support their choices, their liberty to be themselves with one another.

Because conservative christian groups continue to champion prohibiting same-sex marriage, it has become imperative that the rest of us realize that this is based not only on unarticulated jealousy perhaps and on homophobia certainly, but also on an overweening desire of the church to subsume the state, to marry church and state, as it were, melding them into a single and singular entity. Church and state are not the same entity in this country. They should not be allowed to become the same entity.

There are TWO forms of marriage in this country :

- There is marriage which the STATE sanctions.
- There is marriage which the CHURCH sanctions.

Conservative christian groups must constantly be kept aware of the foundational fact that in this country there is not only freedom OF religion, but freedom FROM religion. In regards to marriage, that means that if I choose a civil marriage, whether I am lesbian, gay, or heterosexual, no church has say or standing to sanction or not to sanction said civil marriage, and that union is legal in every way and in every state.

Churches may sanction only their own forms of marriage. Remember the old saw: "Render unto Caesar that which is Caesar's. Render unto God, that which is God's" (Matthew 17:25). The eyes of the church should keep their peeping

limited to the confines and community of the church. The sanctimonious, self-serving gobbledygook which churches and other cults babble should neither infect nor be infected by civil law.

And, the language of the church should not become the language we use, or allow others to use, when discussing civil marriage. Those publicly elected should be corrected when they prattle on about the "sanctity of marriage," blurring the differentiation between civil and church marriage. There is no "sanctity of marriage" inherent in civil marriage. "Sanctity" solely pertains to saints and to other churchly concepts. This is an important, fundamental distinction which needs to remain distinct.

Lesbian, gay, or straight, it is in everyone's best interest that THE SEPARATION OF CHURCH AND STATE BE KEPT DISTINCT, CLEAR, AND UNEQUIVOCAL, that civil law be civil law, that church law be church law, and that the language of the church remain the language of the church.

Perhaps conservative Christians could learn something from those countries when church and state are fused. Perhaps we could begin our lesson with the Church of England founded by Henry VIII, founded, indeed, for the purpose of obtaining a sanctioned divorce and to lessen the need to continue killing off wives whom he had legally and in church married but, alas, eventually did no longer want to wife. Lessons two through seven could be from his wives, perhaps: Catherine of Aragon, Anne Boleyn, Jane Seymour, Anne of Cleves, Katherine Howard, and Katherine Parr.

Finally, if bigotry and hatred, fear and loathing and the impulse to disenfranchise certain citizens of one's country is the strategy one deduces from the god to whom one prays, switch gods. But, whatsoever one believes one's god is instructing one to do, keep it inside your church: persecute lesbians and gays (those so deluded to attend such a church), if one believes one is called to do so but religious ideologies must be kept distinct from civil law in this country.

Wouldn't it be astonishing if Christians actually read their bibles, if conservative Christians actually read and obeyed their own version of God. Wouldn't it be wonderful if conservative Christians read and obeyed and took to heart, for instance, the lesson written in Matthew chapter 19, verses 16-19: "One came and said unto him, Lord, what good thing shall I do, that I may have eternal life? (17) If thou wilt enter into life, keep the commandments. (18) He saith unto him, Which? Jesus said, Thou shalt do no murder, Thou shalt not commit adultery, Thou shalt not steal, Thou shalt not bear false witness, (19) Honour thy father and thy mother: and, Thou shalt love thy neighbour as thyself."

You'd think that with all the supporting laws and churches, customs, holidays, country music, enticements and sanctions that comprise and surround heterosexual marriage, that heterosexual marriage would stand erect on its own and not need the Viagra of fear, hate, and blame to sustain itself. Why is it that half of all heterosexual marriages end in divorce? Again and again, heterosexuals marry and divorce, marry and divorce, marry and divorce. How might disenfranchising ten to twenty percent of citizens by legislating against lesbian and gay marriage help heterosexual marriage?

Republicans once were loudly vocal in opposing social engineering. Now they work to ban marriage for some and encourage it for others. In addition to

the thousand plus existing governmental incentives to promote heterosexual marriage, there's now a new billion-five in Dubya's budget to cultivate heterosexual marriage.

Finally, it is on categorically religious grounds and ONLY on religious grounds, that federal and state governments refuse to grant the same legal recognition to same-gender couples that is available to mixed-gender couples who meet the same qualifications. As so, such law is invalid. (Vermont grants the legal rights and benefits of state marriage to same-gender couples under the name "Civil Union".) Amendments 1, 5, and 14 of the U.S. Constitution are particularly relevant, necessary, and sufficient in stating that civil marriage (for lesbians and gays and anyone else) be rooted in civil law:

-Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

-Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

-Amendment XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The covenant Ruth made with Naomi, "Where you go I will go, and where you stay I will stay. Your people will be my people and your God my God. Where you die I will die, and there I will be buried (see Ruth 1: 16-19)" is the covenant many lesbians and gays have made with one another, irrespective of state or church. The choice of with whom to live and die belongs to the individual.

As citizens, however, in this country founded on freedom of religion (and equal protection under the law), the exercise of the equal civil right to marry is not something lesbians and gays should have to demand, struggle, and argue for. This right is already implicit within civil law. As citizens this right inheres within ALL citizens. That we do not now enjoy these rights is a function of the civil rights of lesbians and gays being illegally denied to us. Each citizen already has the right to a civil marriage license from the state: civil marriage (for lesbians and gays and anyone else) is rooted in civil law.

To: The Senate Judiciary Committee
From: Ruben Cajandab
Lawrence High School student
Home Phone: 785-843-7954
RE: HCR 5033

Honored Senators, and respected members of this committee. My name is Ruben B. Cajandab, Jr. I am a senior from Lawrence High School in Lawrence, Kansas. I come here today, along with my fellow classmates, to urge all of you to think twice about the action you are about to take. We drove here, present in front of this distinguished committee, to ask all of you to ponder the consequences of this amendment.

It seems to me, that what is at question here is an argument on wording. Whether to give a title to two loving individuals of the same sex, of being married or to give them the benefit rights of civil unions. However, I realize that there are those who are totally opposed to either situation. But, nonetheless, most are entangled in opposition of the language used in this debate. According to the American Heritage Dictionary, "marriage" is defined as "the legal union of a man and a woman as husband and wife." A key term here is "legal union." Meaning that the "union of a man and a woman" is within bounds and respectful of the laws of this state and of this nation. Many Kansans, indeed, most Americans are in agreement with this definition.

Now, the controversy in this debate, is whether to allow two men or two women to be recognized in the same manner as two heterosexual couples are. Why not? Is marriage not a union? A union that combines a loving couple, the fulfillment and joy of becoming one. Are Kansans not allowed to enjoy their own happiness?

My question is not why should we allow same sex marriage? My question is why gay people want to become part of America's worst institution? Do they want to become part of the statistic of the 50% of marriages that end in divorce, where marriages in America can now be bought, sold, and auctioned to ratings on TV, like on The Bachelor or The Bachelorette? Are we then teaching our children that marriage is not to be respected? If Kansas wants to protect the sanctity of marriage, do not infringe upon the rights of the individual's happiness. Protect marriage, by teaching our children the value of a civil union between two loving people, the respect and dignity of uniting out of love and not for money on television.

In conclusion, I encourage each of you to discuss carefully what this constitutional amendment implies. No doubt the legal basis of this amendment is found in the *Defense of Marriage Act*. Many scholars would argue that this act alone violates the full faith and credit clause of our American constitution, and the supremacy clause as well. Thus, this amendment is unconstitutional. End this debate now before the Supreme Court itself exercises it's judicial review. On behalf of all those who truly want to sanctify marriage, I encourage each of you to vote against HCR 5033.

Thank you very much.

Senate Judiciary

3-17-04
Attachment 49

(Written)

FAX

To: Dee Woodson
Senate Judiciary, State of Kansas
Fax (785) 296-6718

From: Ruth Linscheid
2415 North Main, PO Box 333, North Newton, KS 67117
Phone (316) 283-4879

Date: March 15, 2004

Subject: statement regarding proposed constitutional amendment

Pages: 1 of 1

I am opposed to the Constitutional Amendment banning same-sex marriages because limiting rights of marriage to heterosexuals only weakens our Constitution. If one group in our society is excluded we all lose, because our democracy was formed to be inclusive not exclusive. Everyone in our great nation should enjoy the rights of home, health, happiness, a secure work environment and, as our "Pledge of Allegiance" says, "liberty and justice for all."

Our state and country must not tolerate marginalization and discrimination, and this amendment would be discriminatory. Let's strengthen our Constitution to include everyone regardless of race, gender, ethnic background, education or sexual orientation.

We heterosexuals should gladly share our good fortune in having so many rights and privileges. It's like love—when you share it, it grows and you always have more.

There is no intent to take away rights and privileges from heterosexuals. That is a complete falsehood. Heterosexuals will continue to be able to marry, have families, and enjoy partnership rights of Social Security.

In response to those who feel their religious beliefs are threatened, let's be assured that God's inclusive love will still be there for all of us. Christianity and Judaism will be enhanced.

Our family unit was strengthened by having a gay son. Our family affirmed our love for John through many difficulties— including being removed from membership in the Mennonite denomination. I firmly believe God made him gay—just as I believe God gives life and being and sexuality to all of us.

My life has been enriched by my gay son, his partner of over 20 years, and all my gay and lesbian friends. They deserve the same rights and privileges that I as a heterosexual woman enjoy.

Senate Judiciary

~~3-17-04~~ 3-17-04Attachment 50

(Written)

Attn: Dee Woodson, Senate Judiciary Committee
Fax: 785 296-6718

HCR 5033 should be defeated.

I'm a single lesbian. I personally don't need the 1049 rights, responsibilities and benefits awarded by our federal government to married couples. But I do need the elected officials of the state of Kansas to choose to treat gay people with respect and dignity by defeating this amendment that would enshrine second-class status for gay and lesbian persons in our constitution.


The principle of the separation of church and state means that we should not set social policy on the basis of any specific religious faith. Social policy should be driven by what provides the greatest good to the greatest number of people.

I believe people should be supported when they create non-traditional families. Society benefits from stable families. Research has shown that children of gay parents are just as likely to be well-adjusted and successful as children of heterosexual parents.

Families are legal and financial as well as emotional units. It is unfair to limit the legal and economic advantages of marriage to heterosexual couples.

Whatever we call it--marriage, civil union, or domestic partnership--the commitments gay and lesbian couples share deserve equal treatment under the law.

Respectfully submitted,



Margaret Childs
785 842-2264
983 East 1000 Road
Lawrence, KS 66047

March 15, 2004

Senate Judiciary

3-17-04

Attachment 51

From: "Christopher E. Renner" <crenner@ksu.edu>
To: <DeeAnnW@senate.state.ks.us>
Date: 3/15/04 7:31AM
Subject: Comment for Judiciary Committee on HCR 5033

(written)

I understand that I can sent written statements to the Senate Judiciary Committee on HCR 5033 to you and that they will be provided in written form to the committee members. Below is my statement which I wish for you to forward to the committee and be officially entered into the record.

Thank you for your time and concern in this matter.

Christopher E. Renner

-----begin message ----

Dear Committee Members:

The Kansas Senate is considering a proposed amendment to our state constitution that would define marriage as only between a biological male and a biological female and deny civil unions and domestic partner benefits to same-sex couples. However, as the senators and representatives debate and vote on the issue, they should at least have the decency to be honest about what they're really doing.

This proposed constitutional amendment is not about protecting marriage or family. Such talk is merely an excuse, a politically convenient disguise for the real agenda behind this proposal, which is to bash gay and lesbian people and openly discriminate against them. In fact, those groups and individuals who are advocating this amendment are behaving just like some Southern Whites did in the 50s and 60s. One such groups, the American Family Association, in one of their many attempts to manipulate facts, placed a poll on gay marriage on their website in December with a stated intention to forward the results to Congress as evidence of U.S. opposition to same-sex marriage. The poll revealed a 68 - 32 percent approval rating for gay marriage. When questioned about the poll results, AFA representative Buddy Smith blamed "activist homosexual organizations" for the polls results who cause the poll to "represent something other than what we wanted it to." That's right, Mr Smith, it told the truth. Americans are opposed to amending our constitution to discriminate against one group of people.

The proposal "to protect" marriage will undoubtedly boost the political prospects of those who are pushing for it, but only for the short term.

This proposed constitutional amendment is really about hate. It is about discrimination. It is about providing a respectable vehicle for people to advocate hate and discrimination against a minority group while denying that they hate and discriminate. It's a familiar trick used by white racists back in the '50s and '60s to defend racism. Those whites that did not want to be seen as defending racism, did so by claiming to be defending states' rights. But they were really defending was hate, and spreading hate. They knew it and so did the people who supported them.

Isn't all this discussion about "protect marriage" the same

Senate Judiciary

3-17-04

Attachment 52

thing? If fact, bashing gays and lesbians is the last socially acceptable hypocrisy around. And after this summer's Supreme Courts decision, the people who supported racism and keeping women barefoot and pregnant are now engaged in fighting the last battle against civil rights.

The very idea that by allowing gay people to marriage will tear down marriage is nonsense; heterosexual people are doing quite fine on their own in that regard and hardly need the assistance of others. Gay and lesbian people have not caused the divorce rate to soar. Gay and lesbian people haven't caused the rise in single-parent families. To make gay people the scapegoat for the problems that plague modern marriage is absurd, since numerous studies have shown a connection between the economic policies of our country and the declining health of families.

In fact, to the degree that gay and lesbian Americans wish to join in marriage, is an endorsement of the institution, which has had few endorsements in recent history. As a society we need to recognition that the civilizing merits and rich emotional rewards of marriage appeal not just to people of all cultures, races and ages, but to people of all sexual preference as well.

The interest of gay and lesbian Americans in getting married is a celebration, a validation of marriage. It is not a threat.

If the proposed constitutional amendment does succeed, then in 10 or 20 years from now the Kansas legislature is going to have to go back into the Constitution to pull this hateful language out. And some of the very politicians who today will vote in favor of that language will no doubt be there when it is repealed, sheepishly trying to explain how it wasn't really about hate and discrimination, how back then they were just worried about protecting marriage and the family. And you know what? Nobody will believe them.

Please vote against HCR 5033

--

 Christopher E. Renner, MEd
 508 Valley Drive, Manhattan, Kansas USA-66502
 Tel. 785-770-8309 (h)

 Human beings are not our enemy. Our enemy is not the other person. Our enemy is the violence, ignorance, and injustice in us and in the other person. When we are armed with compassion and understanding, we fight not against other people, but against the tendency to invade, to dominate, and to exploit.
 -- Thich Nhat Hanh in "Anger: Wisdom for Cooling the Flames"

 "To announce that there must be no criticism of the president, or that we are to stand by the president right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American public."
 -- Theodore Roosevelt

 +++++ stop the execution of Mumia Abu-Jamal +++++
 + if you agree copy these 3 sentences in your own sig +
 + see: <http://www.freemumia.org/> +

52.2

From: Christine Baker <cbdymphna@yahoo.com>
To: <DeeAnnW@senate.state.ks.us>
Date: 3/16/04 3:15PM
Subject: testimony scr 1619

Good morning Chairman Vratil, members of the committee. I stand before you today in opposition to SCR 1619. I am a student at Kansas State University and a member of KSU's Queer Straight Alliance. While there are many reasons why I am opposed to this resolution, I will briefly highlight those of most importance.

First, we already have a law in Kansas that makes gay marriage illegal. There is no need for a constitutional amendment stating the same thing.

Second, this resolution not only outlaws same-sex marriage, but also outlaws civil-unions and domestic partnerships. This is too far reaching. While the term marriage has some religious undertones, civil unions do not. Outlawing civil-unions is simply discriminatory.

Third, the constitution should not be used to limit the rights of law-abiding citizens. Same-sex couples have done nothing illegal by loving. Why is it that we feel we can deny them certain rights and privileges? The Constitution promises liberty and justice to all Americans, not just the majority. The Constitution has been used throughout American history to ensure, protect and expand the individual liberties of Americans. It has never been amended to single out a class of people for unequal treatment, but it has been amended to grant freedom of speech, religious liberty and voting rights for women and minorities. The Constitution should secure equality, not restrict it..

Fourth, this issue is religious in nature. This debate should not be happening in the government, but rather in churches and synagogues.

Fifth, the real threat to marriage today is people like Brittany Spears who, on a whim, get married only to have it annulled a few hours later. Television shows that treat marriage as a game, such as the Bachelor and Who Wants to Marry a Millionaire are the real threats to marriage.

Last, it is an American tradition to abandon discriminatory laws, even if they are popular - as were bans on interracial marriage and Jim Crow laws segregating the races in everyday life. Today we are exactly two months away from the 50th anniversary of the Brown vs. Topeka Board of Education case that determined separate was never equal.

Sincerely,

Christine Baker

Every walk of life, every part of the state, every nationality -- I will continue to fight for your rights.

-Jan Scoggins-Waite

Cell: (785) 341-5471

Senate Judiciary
3-17-04
Attachment 53

03
Joann S. 12r

March 14, 2004

Kansas State Senate
Judiciary Committee
Topeka, Kansas

Dear Committee Members:

In our society, marriage is a commitment between two people who love one another enough to publicly declare and privately live for the well-being and happiness of the other. We protect marriage as a social institution with laws regarding fidelity, children, money and property.

The assumption that these two people will always be one man and one woman flies in the face of reality. Research, overwhelming amounts of data and our own personal observations tell us otherwise. Men do fall in love with men. Women do fall in love with women. Homosexual orientation is a natural occurrence just as heterosexual orientation is, and all couples who are in love deserve the same protection under the law. It is in the best interest of a strong society to legalize these unions.

I am writing today because of the terrible injustices, pain and sorrow I have witnessed because there is no legal protection for homosexual couples. I am a former science teacher who took early retirement in order to be able to help people living with AIDS. In the course of this work, I have met many wonderful gay and lesbian couples. Like most committed couples, the vast majority of them are HIV negative, but they are compassionate and very supportive of the work I do. They are bankers, real estate agents, ministers, social workers, doctors, photographers, teachers and contractors. They pay taxes, go to church and support charitable endeavors such as helping persons with AIDS. They are good citizens who deserve the equal protection of the law.

For example, I have been present in the hospital room of a gay man dying with renal failure. His partner for the last eighteen years, who had nursed and cared for him through several years of illness was also there. Because they had no family support, myself and other volunteers had provided the only outside assistance and comfort these men had received. Suddenly, the family of the dying man arrived, ordered his partner and me out of the room and proceeded to take charge of the patient's medical decisions, final arrangements and property. The grieving partner was left with nothing – he even had difficulty reclaiming his clothes from their home!

A lesbian couple I know stepped in to adopt a racially mixed toddler who had been orphaned when his parents succumbed to AIDS. Of course, legally, only one of the women could be the adoptive parent, but the two raised the little boy like any two good parents would do. Recently, the two women parted company and the child went with the legal adoptive parent. The other woman had no legal rights to visit the boy – only the broken heart of losing a seven-year old son.

Senate Judiciary

3-17-04

Attachment 54

My own brother and his partner of 35 years are nearing retirement age. Their concerns regarding health insurance coverage, survivorship and burial arrangements are made more complicated by the fact that they are not legal partners. They have had a lot of extra legal expense just trying to take care of one another.

Because I often work in the homosexual community but see it through the eyes of a heterosexual mother and grandmother, I wanted to share my perspective with you today. I believe it is always a mistake to write legislation that is designed to take away any citizen's right to equal treatment under the law. As legislators, you are not required to make moral judgments in this matter, but only to be sure that legal safeguards are there for all our citizens. I believe the morality issues around homosexuality are the business of the churches; this is a clear case for separation of church and state matters.

Thank you for your attention to this matter.

Joann Stuever, ASC
128 S. Vine Street
Wichita, KS 67213

54.2

To: The Senate Judiciary Committee
From: Jaimie Oller
Lawrence Gay-Straight Alliance
785-843-7954
RE: HCR 5033

Hi, my name is Jaimie Oller, and I am Co-President of the Lawrence Kansas Gay-Straight Alliance chapter at Lawrence High School. Every day my fellow students and I go to history class to learn about the events that have led up to this point in our nation's history. We learn not only about events, but the mistakes that inevitably ensued during its birth and throughout its growth. Students are required to take history classes so that as they enter into the future of America, they do not make the same mistakes that blemish its past. I am here to say that we all are repeating a mistake that has been made again and again; the mistake of treating another human being as if he or she were inferior simply because they are different. By arbitrarily denying a certain group of people rights, in this specific case, homosexuals, the right to form a family by the act of marriage, you are once again denying women the right to vote, immigrants the right to be treated as citizens, and African Americans the right to equality. All of these instances are those that an average high school student has learned about in their history classes, and would stand up here and say were the mistakes that we as a nation need to learn from.

We should not even be considering amending the constitution to state that a certain group of people do not deserve the right to equality simply because public opinion is against them. Public opinion was also against interracial marriage in the Supreme Court decision of *Loving v. Virginia*, in 1967. It followed the precedent that *Brown v. the Board of Education* established, which was that "separate but equal is inherently unequal." The courts came to their conclusion by weighing public opinion against the rights of African-Americans as citizens. Protecting the rights of citizens is what the constitution is founded upon. By amending our state's constitution you are denying homosexuals their rights as citizens and you are undermining the purpose of our constitution.

I would like to conclude by quoting the third president and founding father to this nation, Thomas Jefferson, who said. "I am not an advocate for frequent changes in laws and constitutions, but laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as civilized society to remain ever under the regimen of their barbarous ancestors."

Our 'barbarous ancestors' denied rights to women, to African Americans, and to foreigners. Do not let their next victim be homosexuals. I urge you to vote against HCR 5033.

Senate Judiciary

3-17-04
Attachment 55

To: Members of Senate Judiciary Committee
From: Kansas National Organization for Women
RE: Opposition to HCR 5033

Kansas NOW
P.O. Box 15331
Lenexa, Kansas 66285

March 17, 2004

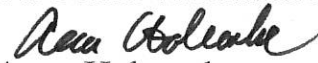
Dear members of Senate Judiciary committee,

Kansas National Organization for Women is a women's advocacy group supported by seven chapters across the state. Our legislative agenda is to advocate for government programs that promote prevention of domestic violence, assist survivors and punish perpetrators. We support legislation in regard to women's comprehensive health care and education. Kansas NOW supports economic justice.

In addition, Kansas NOW has actively collaborated with Kansas Unity and Pride Alliance in opposition to HCR 5033. Kansas NOW is deeply concerned with the exclusion of a particular social group in the Kansas state constitution based on sexual orientation. Kansas NOW understands that oppressions are interlocking; that gender, race, class, and sexual orientation form multitudinous forms of oppression in our society. NOW asserts that HCR 5033 further strengthens systems of discrimination which lesbian women in the state of Kansas experience.

We urge you to practice responsible law, one based in a recognition of civil liberties, not a particular religious perspective. Remember that the rights of a minority should never be deprived of by the majority in a democracy.

On behalf of Kansas NOW,


Anna Holcombe
Kansas NOW Lobbyist

Senate Judiciary

3-17-04

Attachment

56

LOOK AT ME

Look at me. Do you know me? I mean really *Know* me?

I might be your neighbor or maybe a friend or maybe just an acquaintance. I might be your doctor, or your lawyer or just maybe the person that teaches your children or any other hard working, tax-paying person that you may come in contact with every day. Does that mean that you really know the true *me*? I think not.

Look at me. Am I hideous? No? Then why do you show your fear of me in your actions and words? Why do you deny me a decent place to live just because I'm *different* than you? Why do you abuse me with prejudice and hatred? Why do you want to deny me my lawful Constitutional and Civil rights as a human being?

Look at me. Look at me when you say unkind things about me. Do not turn away from me. If you have enough guts and conviction to say horrible, hurtful things about me behind my back, then have the guts and conviction to say them to my face. To do that shows you believe what you say. Not to do that, shows that you are not thinking on your own and are being led by someone else's feelings, morals, or religious beliefs. It shows you have no spine. So look at me when you talk about me.

Look at me. Explain to me why you deny me the right to marry the person that I love. Is that not a Constitutional and Civil right of all American citizens? Can not I love another person just like you do? Just because it may be someone of my own gender does not mean I love him/her any less. Why can't I do what I wish to in my own life, my own home without you trying to deny me those rights? Would you like that to happen to you? And excuse me, but *what are you doing in my bedroom? Stay out!* Like your own life, mine is private too.

Look at me. Have I threatened you in some way? Why are you afraid of me? Man, are you afraid that I might take your lady from you? That is not likely. Woman, are you afraid that I might show you a little friendship or courtesy? Are you afraid that your children might decide that I am a likeable person and be friendly toward me? Why does that frighten you? I might be the person to help save your relationship or extend a well-needed hand or kind word. Maybe I might be the one to help your child out of a tough spot when you aren't or can't be there to help them. So why do I frighten you?

Look at me. Why does the way I live offend you? Is it just because my lifestyle is *different* than yours? Why do you dislike me enough to vandalize my property? Why do you lay in wait and physically assault or maybe even kill me? What have I ever done to you? You say that I am sick, perverted, and deviant. Well, I have a mirror for you. Look at *you* when you say those things. Think of all the children that are beaten or molested daily by heterosexuals. Think of all the alcoholic or abusive heterosexual fathers or the heterosexual mothers that neglects their home, spouse and/or children. Think of all the heterosexual single parent families that are not due to a spouse's death. Think about the high number of heterosexual divorces. Think about how many more heterosexuals are in prison compared to homosexuals. Yes, it is much easier to point a finger at a select minority of society and abuse them with prejudice and intolerance rather than looking at the vast problems in your own sexually oriented community. Man, clear your conscience, then you can look at me.

I strongly urge you, Honorable Senators, to vote against HCR5033 as it promotes prejudice, intolerance and oppression of a select minority of Kansas citizens. It will deny these same citizens their Constitutional and Civil rights by, in essence, creating a new form of slavery/servitude by forcing acceptance of the religious, moral or social beliefs of other Kansas citizens.

Respectfully,

Regina Brokmann

3637 SE US Hwy 40 Lot W-10

Topeka, Kansas

Author: Gwendolyn L. Evans

Original text: 1998

Edited for Senate Judiciary Committee: 2004

Benedette Koslover
1433 SW Amhurst Rd
Topeka KS 66604

RE: Oppose HCR 5033

Dear Senator Vratil and members of the Senate Judiciary Committee:

I am a Kansas citizen, an employee as well as a small-business owner, a payer of sales tax, property tax, income tax, and a mate to another woman. I am also a voter, but I would not exist at all, had another group of people dedicated to taking away the rights -- and lives -- of those who they felt were inferior succeeded in their aims. That group is the Nazis of World War 2, who were bombing London England at the time when my yet-to-be father was a young lad, hiding in the subways.

To those at this meeting who would twist the law to create a second-class -- and inferior -- citizenship for homosexuals, I say to look at the extremist groups who also oppose homosexuals -- the Nazis, the Klu Klux Klan, the other White Power groups, and even a local religious cult who dishonors the entire country with their upside-down flag and their outdoor advertising that says "God hates America." Are these the people who you wish to support? How many millions of people died in World War 2 for freedom, but that you will spit on their graves to enshrine bigotry and prejudice in Kansas law? Would you have wanted the Nazis to rule Kansas instead?

If I am nothing to you, not being a highly placed church figure or internationally recognized peacemaker, consider instead the words of the Archbishop Emeritus of Southern Africa, the Most Revd. Desmond Tutu, winner of the Nobel Peace Prize:

From the Episcopal News Service, in an article by Michael Craske on February 27, 2004.
(http://www.ecusa.anglican.org/3577_29781_ENG_HTM.htm)

...On the issue of sexuality that currently divides the Communion, Desmond Tutu said that it was only natural this had become a dominating issue. "When there is confusion in the world, and complex, heartbreaking problems - such as HIV/AIDS, violence and poverty - people turn to issues on which they can have a black and white stance, because then they will be in close association with people of the same attitudes and they feel protected and safe. That's why fundamentalism grows in periods of confusion. But this is not the answer. It is to admit vulnerability and to embrace your brother and sister with whom you disagree. But difference is seen as a threat." Any issue that sought to exclude people from Church was wrong, he said...

..." Jesus, he continued, had stated the most radical of ideas, that we are all of one family. "Everyone is an insider, there are no outsiders, whatever their beliefs whatever their colour, gender, or sexuality." Worldwide Anglicanism is born out of diversity, and in this family, he added, we should be able to disagree with each other but not have people renounce the friendship that exists between us. "We all disagree on many things, but those that i disagree with are still my brothers, are still my sisters..

It is not just Kansas voters who are waiting and watching for your decision, but the world. When a country that had legally enforced separation of the races called "Apartheid" - South Africa - can drop the legal walls and welcome all it's citizens as equals, including homosexuals who are protected in their constitution, should Kansas be going in the reverse direction?

Thank you for your consideration.

Benedette Koslover

Senate Judiciary

3-17-04
Attachment 58

**Letter Appearing In Hutchinson Newspaper
Monday, March 15, 2004**

Western Front

Some area clergy do accept homosexuals

The article titled "Churches confront gay issue" in the March 6 Faith section of The Hutchinson News deserves revisiting, since the subtitle is quite misleading and overly simplistic: "Hutchinson-area pastors say Scripture denounces homosexuality, but they're promoting the attitude of 'Love the sinner, but hate the sin.' "

As two Hutchinson-area clergy, we find the slogan, "Love the sinner, but hate the sin" to be trite, condescending and impossible. As United Methodist clergy, we are indeed a part of a denomination that at the present time does not ordain "self-avowed, practicing homosexuals" or allow ministers to perform same-sex unions. At the last General Conference in 2000, where such issues are defined, the vote was approximately 60 percent to 40 percent in support of the current positions.

However, United Methodists are also on record as supporting the civil rights of gay and lesbian persons and understand them to be graced and gifted for full participation within the church. The current movement to amend state and federal constitutions to define marriage as only between a man and a woman without at the same time providing for civil unions to preserve the rights and equal treatment of the same-sex relationships is dangerously ill-conceived. Why not be more honest and simply amend such documents to read, "The human and civil rights of gay and lesbian persons will now and forevermore be denied!"

In the past, we have discriminated against our fellow human beings on the basis of their skin color, their gender and their religion. We are now focused on discrimination against others based on whom they love.

Indeed, the Bible contains some troubling verses that, when read literally and in an unloving manner, seem to "denounce homosexuality." That same Bible read the same shallow and narrow way also "de-nounces" women speaking in church, the wearing of blended fabrics, and eating lobster and shrimp. Paul's letters were used in an earlier century to defend slavery. Regarding sex, the Apostle Paul's words were written in a time when the dominance of men was unquestioned, all sexuality and its expression was tightly controlled, and the existence of a homosexual "orientation" or "nature" was unheard of.

As Christians, we must not read the Bible in a facile manner. We are called to seek understanding through deep study and a wrestling with the text. For those seeking a broader and more loving interpretation of the spirit of the biblical texts usually cited to "denounce homosexuality," we would heartily recommend the appropriate chapter from Peter Gomes, preacher at Harvard's Memorial Chapel, in his work "The Good Book."

People of gay and lesbian orientation sit in the pews of our churches and are important members of our church families. God's Word must never be used in ways that are ungodly or that hurt any of God's children. When Scripture is used for political advantage and as the cover for writing overt discrimination into our legal code, those who take seriously the inclusive love of God must stand in prophetic, albeit unpopular, opposition.

THE REVS. NICHOLAS WARNER and AMY LIPPOLDT

Trinity United Methodist Church

Hutchinson

Senate Judiciary

3.17.04

Attachment 59

Presented at The PFLAG Press Conference, March 17, 2004

and submitted to the
Senate Judiciary Committee
by Donna Swall, Lawrence Kansas

February 24, 2004

Dear Mr. President,

I could not avoid you tonight as your support for a federal constitutional amendment banning same-sex marriage blared throughout the airport lounge via CNN. As I listened to your confusing messages about family and values and politics, I shared sadness with my fellow travelers about your continuing fear-driven approach to leadership. Your defense of traditional marriage rang hollow; rather, it was a poor endorsement for discrimination, ignorance and your conservative political base.

Uncharacteristically, I decided not to be angry, offended or cynical. Rather, I desperately want to understand you and your allies on this issue, and take the high road in that engagement.

So I invite you, Laura and your daughters to spend a day with my family and explain why you are championing such a cause.

Spend a day with my life partner of 24 years who is one of the most remarkable human beings you'll ever have the privilege of meeting. A public school teacher, Bob has spent his life inspiring students and parents alike with his commitment to a values-laden and creative approach to learning, serving as a strong life-changing role model for countless young at-risk city kids over the years.

Spend a day with our energetic and cheerful seven year-old son, Ben. Ben will treat you to an active day full of homework, piano lessons, Lego projects, friends, chores, soccer and baseball. Fully steeped in the values of love, sharing, friendship and learning, Ben is immensely proud of his two adoring and engaged parents, and wonderfully enriched by a diverse and supportive neighborhood.

Spend a day with our extraordinary community of friends and neighbors, who reflect the America of today and the future -- mixed in race, language, background, family structures and ideas -- but united in their deep commitment to our children, to creating a better future, to loving our country and to enjoying the richness of life.

Senate Judiciary

3-17-04
Attachment 60

Spend a day with our extended family that has supported us with unconditional love through good times and bad. Our parents, aunts, uncles, siblings, cousins, nieces and nephews spread around the country form the ^{foundation} of our world. Over the years we have celebrated countless joyous holidays and celebrations together, as well as helping them in endless ways through illnesses, financial problems, divorces, and other family dramas.

Spend a day with us as we engage in our community as a family and as individuals, as we actively volunteer at Ben's school, as we have headed up the local United Way, and as we have worked tirelessly with many community organizations to improve the lives of our less fortunate neighbors. Come join us as we sing and pray in church together.

Spend the day with me as the CEO of a fast-growing global digital media company who understands the economic interests of supporting stable communities and families, who must create a vibrant 21st century inclusive workforce through rigorous recruiting and non-discriminatory practices, and who is forever seeking that elusive family-life-work balance.

Spend the day with us as we explain to our son, his friends and cousins, why the world can be a fragile place where people do bad things out of ignorance and fear, where people hate people for silly reasons, where leaders abuse power for political gain at the expense of innocent folks, and where people waste enormous emotion and energy on side issues when domestic and child abuse, poverty, racism, divorce and inadequate health care – the issues truly threatening the American family – go unattended.

Mr. President, please come spend a day with us. And then, over our evening family meal, after we have given our nightly thanks to our loving and hate-free God, explain to this same-sex household just what family values you are defending for the future of America.

Sincerely,

Steve Davis,
Seattle WA

*Presented with the permission of the author of the letter, Steve Davis, Seattle Washington.

60-2