

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman John Edmonds at 1:30 P.M. on January 26, 2005 in Room 313-S of the Capitol.

All members were present except:

Representative Ray Merrick- excused

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Carol Doel, Committee Secretary

Conferees:

Christopher Eschelman
Ann Elizabeth
Bill Rich
Janis Mcmillen
Tiffany Muller
Pedro Irigonegaray
Bruce Ney
Carol Nistler
Thomas Witt
Reverend Dr. William R. Clark
William Dunn
J.L. Cleland
Christopher Renner
Paul Osgood
Rev. Michael Nelson
Michael Lambert
Steve Brown
Peter Cohen
Bonnie Cuevas
Libby Schoeni
John Robinson
Melody Pooler
Rob Montague
Brenda Godsey
Mary Kay Siefers
Heath Harding
Stephen T. Wertz
Susan Fairchild
Grace Ulrich
Mary Lou Schmidt
Rev. Jayne Thompson
Rich Hayse
Marcia Fleischman
Stephanie Bryson
Jana Mackey
Jeff Unger
Angel Holman
Bittany Francis

Others attending:

See attached list

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MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on January 26, 2005 in Room 313-S of the Capitol.

Chairman Edmonds opened the meeting with the first order of business being requests for bill introductions.

There were no bill introductions and The Chair opened the meeting for continuation of the public hearing on **SCR 1601** and advised each person wishing to testify would be given fifteen minutes to do so. The Chair also announced that on Thursday, January 27th, there would be briefing by four House attorneys and following that he intended to work the bill.

First to be recognized as an opponent of **SCR 1601** was Christopher Eshelman, a concerned citizen, of Wichita. In his testimony, Mr. Eschelman presented his life background and stated that he appeared before the committee to proclaim that gays and lesbians are not a threat to our institutions, not to marriage and not to our state and urged the committee to vote no on the resolution. (Attachment 1)

Ann Elizabeth Bishop, concerned citizen of Derby Kansas, addressed the committee as an opponent of **SCR 1601**. In her testimony Ms. Bishop opined that Part B of the amendment was a shameful injustice to families such as hers. She urged that, if necessary, leave Part A intact, but not to allow Part B. (Attachment 2)

Bill Rich, a conferee who has studied constitutional law, came before the committee opposing **SCR 1601** giving the opinion that the proposed amendment to the Kansas Constitution would violate the Constitution of the United States and that barring same-sex partners from securing "rights or incidents of marriage" will invite litigation. (Attachment 3)

President of the League of Women Voters of Kansas, Janis McMillen, delivered testimony in opposition to **SCR 1601** which in their opinion seeks to insert a discriminatory amendment into the Kansas Constitution, an amendment that restricts the civil rights of gays and lesbians. (Attachment 4)

Representing Kansans for Justice and Equality Project, Tiffany Muller, revealed their standing in opposition to **SCR 1601**. Ms. Muller related that this amendment is unnecessary, spirited by hostility, and will cause great harm to many Kansans. Additionally, there are serious legal concerns with this proposed amendment. She urged a vote against the proposed constitutional amendment. (Attachment 5) Ms. Muller also provided the committee with an article entitled *Myths and Facts Regarding the Proposed Marriage Amendment*. (Attachment 6)

Counselor Pedro Irigonegaray, appeared before the committee in opposition to **SCR 1601**. He related his years of having appeared in the Supreme Court Room of the Statehouse as a young attorney hearing cases being brought before the Supreme Court, and even before that his parents bringing him to the Statehouse as a child shortly after they arrived from Cuba to show how a democratic government operated. He stated that now he finds himself in the same courtroom asking that they please not stain the Kansas Constitution. He further related that this amendment places an opaque filter of light on a group or class of citizens for no other reason than their sexual orientation. He also opined that our constitution should provide us the right to protection to do as we wish so long as it is not hurting anyone else. He urged the committee to vote no on **SCR 1601**. (No Testimony)

Bruce Ney, an attorney admitted to practice law in the State of Kansas, presented testimony in opposition to **SCR 1601**. Mr. Ney, a corporate in-house counsel for Fortune 500 Company, related that **SCR 1601** sends the wrong message to Kansas businesses and those looking to relocate here. He further stated that he feels that the goal of the committee and legislature should be the enactment of positive public policy that promotes the economic health and well-being of our businesses and communities, improves the lives of all Kansans and protects the rights of all individuals, especially those in the minority. He urged a no vote on the amendment. (Attachment 7)

Carol Nistler, of Olathe Kansas, came before the committee urging them to vote no on **SCR 1601**. Mrs. Nistler stated that she is the mother of a gay son and related the hostility and insults suffered by her family. Mrs. Nistler stated that the proposed marriage amendment is just one more reminder to the gay population and their families that discrimination is alive and well in Kansas and further related that her family's hope is

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that the State of Kansas will not only provide an environment that recognizes the wonderful diversity of its citizens, but will become more inclusive in the welcoming of all. ([Attachment 8](#))

Brittany Francis introduced herself as an eighteen year old, citizen of Kansas, and a political science student at Washburn University who is opposed to **SCR 1601**. Miss Francis stated that because she loves the United States, the Constitution, and most importantly our country's principle of democracy and wishes to see them prosper forever, she is urging a no vote. ([Attachment 9](#))

Thomas Witt, representing Equality of Kansas, stated in his opposition to **SCR 1601** that previous speakers had indicated the gay and lesbian Americans were to blame for many of society's ills. However, Mr. Witt believes that there is a bigger issue to be focused on and that is "No relationship, other than a marriage, shall be recognized by the state as entitling the parties to the rights or incidents of marriage". He urged the committee not to vote for a vague, discriminatory amendment that will be used to target his family and thousands of others. ([Attachment 10](#))

Reverend, Dr. William R. Clark addressed the committee in opposition to **SCR 1601** speaking both as a clergyman and as the father of a gay son. Rev. Clark indicated that he believes that all the gays ask for are the same rights to express love, affection, and commitment in marriage as many others do. ([Attachment 11](#))

William Dunn is in a gay relationship and the father of three adopted children with developmental delays, and is opposed to **SCR 1601**. Mr. Dunn's hope is that his testimony today might help convince people that, as fellow Kansans, his partner and he also possess moral character and family values. He believes that our Constitution rightfully belongs to his family also and should not be rewritten to reflect one religious viewpoint. ([Attachment 12](#))

J.L. Cleland, presented testimony in opposition to **SCR 1601**, relating that there is no civil justification for denying rights to consenting adult couples, and such an amendment blurs the division between church and state. He stated that this amendment clearly discriminates against a class of people, whether by choice or by birth, and discrimination should never be written into the Constitution. ([Attachment 13](#))

Christopher Renner, addressed the committee giving testimony adverse to **SCR 1601**. Mr. Renner opined that it is bad legislation and it is an attempt by a minority within the Christian tradition to impose their fanatical religious views on secular society. He further testified that, in his opinion, if the committee is to recommend anything, then it should recommend the creation of civil unions in our state which bears the exact rights and responsibilities for same-sex couples so that their families are protected from ignorance and hate. ([Attachment 14](#)) Mr. Renner also submitted executive order 13087 signed by William J. Clinton in 1998, ([Attachment 15](#)) as well as statements by activist judges, Judge David Carter, Justice Anthony Kennedy, Justice John Dunne, Justice Judith Cowin, Judge Boyce Martin and Justice Jim Hannah. ([Attachment 16](#))

Julie Avard provided the committee with testimony opposing **SCR 1601** saying that if this amendment passes, the gays and lesbians are not only being told they can't be officially recognized as a couple, but are being told that the act of being homosexual, of being who they are, is classified with criminal acts. ([Attachment 17](#))

Paul Osgood related that he and his partner had been in a relationship for twenty-eight years and that his relationship is as sacred as any heterosexual relationship. He is opposed to **SCR 1601**, saying that if this resolution is passed, once again, Kansas will be in the world news as a state of bigotry and hate. ([Attachment 18](#))

Rev. Michael Nelson, came before the committee as a parish minister for the Manhattan Kansas Unitarian Universalist Fellowship, and as an individual who has deep roots in Kansas to oppose **SCR 1601**. Rev. Nelson stated that if this law is passed, it will foster more violence in a world which desperately needs peace. ([Attachment 19](#))

Michael Lambert appeared as a conferee asking the committee to vote no on **SCR 1601**. Placing a restriction

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in the State constitution would enshrine that definition, and make it much more difficult for the people of Kansas and their elected representatives to repeal at a later date, and the section of the proposed amendment that would forbid the use of contract law for civil unions would place a great burden on those Kansans who might use such arrangements to provide support for one another. ([Attachment 20](#))

President of the Kansas Democratic Lesbian, Gay, Bisexual, and Transgendered Caucus, Steve Brown, requested that the committee vote against **SCR 1601**. Mr. Brown stated that before his partner died, they had to have an estimated \$10,000 worth of legal work completed to protect him from issues which married couples get by virtue of a marriage license. He asked that the committee not send the amendment to the House with the same language that it had when it came to committee, but to remove Section 16, B before sending it to the floor of the House. ([Attachment 21](#))

Peter Cohen, a concerned citizen, opposes **SCR 1601** feeling that if the resolution succeeds, it will be saying that a choice to let one group of citizens decree discrimination against another group of citizens is a legitimate choice, and will have this government's approval. ([Attachment 22](#))

Appearing in opposition to **SCR 1601** was Bonnie Cuevas, mother of two sons, one gay and one straight. Mrs. Cuevas gave the opinion that the only reason this amendment is being brought up by religious bigots is to gay bash and discriminate against gay children. She urged the committee to accept the responsibility and not to let a few religious bigots change the constitution to allow for the first time in our state, discrimination against a minority group, namely gay and lesbian people, to be written into our State Constitution. ([Attachment 23](#))

Libby Schoeni testified in opposition to **SCR 1601**. She asked the committee not to write discrimination into the Kansas State Constitution. She related that she believes the Constitution is meant to protect rights, not to take them away. ([Attachment 24](#))

John Robinson presented extensive testimony against **SCR 1601** requesting that the committee vote no to any proposal for such a change to the Constitution of the State of Kansas, that they vote no to any proposal to submit such change to popular vote, and additionally, that they oppose the apparent intent to rush such changes through the Legislature without the full and reasoned debate of the issues before any such vote is taken. ([Attachment 25](#))

In her testimony, Melodie Pooler, requested that the committee vote against **SCR 1601**. She is strongly opposed to the Marriage Amendment saying that this proposed amendment goes against everything our founding brothers and sisters came here to escape. This proposed law clearly clouds the lines between Separation of Church and State, and it pro-actively discriminates against a specific group of constituents. It is designed to put minority rights to a majority vote which is unethical, immoral and unjust. ([Attachment 26](#))

Opposing **SCR 1601**, Rob Montague testified before the committee expressing the opinion that passage of this resolution would do real, profound and irreparable harm to same-sex Kansas couples and their children, who are already denied the vast majority of benefit and protections enjoyed by families in which the parents are legally married. He related that support of this amendment would actively discriminate against hundreds of thousands of gay and lesbian Kansans. ([Attachment 27](#))

Brenda Godsey presented testimony voicing disapproval of the passage of **SCR 1601**. Mrs. Godsey expressed the opinion that the passage of this resolution would, for the first time, write discrimination into our Constitution. This bill would send a wrong message about our state to the rest of the nation and it violates the civil protection provisions of both the Kansas Constitution and the U.S. Constitution. ([Attachment 28](#))

Mary Kay Siefers addressed the committee relating that she was the gay daughter of hard working, straight parents who loved her very much and she would like for the committee vote against **SCR 1601** which she described as demeaning legislation which would hurt dedicated families such as hers. ([Attachment 29](#))

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Heath Harding related that he is a farm boy who has spent all of his life in Kansas. He urged a no vote on **SCR 1601** stating that this is about humanity. Humanity is in question over the Marriage Amendment and further stated that it is an obligation to stand against the tyranny of the masses, the very reason that many of our ancestors came to this land. (Attachment 30)

Appearing in opposition to **SCR 1601**, Stephen Wertz opined that passage of this amendment by the House will mark a major historical and legal deviation that will mark this State for generations and will likely lead to thoroughly unintended consequences. He further stated that the oaths of office oblige the legislators to protect and defend the Constitution, not to yield to emotional, even if well-intended, desires of the moment. (Attachment 31)

Susan Fairchild, President, Raytheon Aircraft Company GLBTA, presented testimony relating to the potential economic impact that passage of **SCR 1601** could have on the State of Kansas. Ms. Fairchild stated that if the amendment should be passed by the House and subsequently passed by the people of Kansas, it may force companies that currently allow domestic partner benefits to discontinue them. She further conveyed that this amendment currently under consideration would be the only state amendment that would single out one class of Kansans for discrimination by ensuring that same-sex couples would not be granted the equal protections that marriage brings. (Attachment 32)

Grace Ulrich came before the committee to discuss the unintended consequences of the language in **SCR 1601** which would deny traditionally recognized rights of those who are not choosing to marry for various reasons. Ms. Ulrich further advised that she would rather see the legislative body focus on what she regards as the true duties of our elected officials, namely, bolstering a sagging economy, caring in an adequate and timely manner for those in state custody or who are in need of state assistance, figuring out how to increase and fairly apportion monies for education, maintaining the infrastructure of roads, bridges, public utilities etcetera. (Attachment 33)

Mary Lou Schmidt addressed the committee in opposition to **SCR 1601**. Ms. Schmidt stated that our Constitution assures every American citizen the right to life, liberty and the pursuit of happiness. She further related that this does not apply just to straight couples, but if two men or two women love each other and are willing to commit then they should be allowed to marry. (Attachment 34)

Reverend Jayne M. Thompson, representing the Evangelical Lutheran Church in America, spoke before the committee opposing **SCR 1601**. Rev. Thompson alleged that the resolution is an attempt to further oppress gay and lesbian people by excluding them from the civil rights and benefits afforded to others. It is reflective of a disturbing and continuing trend to discriminate against minority citizens. She further opined that instead of concentrating so much time, money and energy working to oppress a group of people, our government needs to work to defend the rights of our citizens and to ensure that liberty and justice for all prevail. (Attachment 35)

Rich Hayse spoke on behalf of the Kansas Bar Association in opposition to **SCR 1601**. Mr. Hayse related the opinion in his testimony that the resolution would thus request voters to decide something completely unprecedented in our constitutional history. If approved by the House, the resolution would allow voters to enshrine in our Constitution an absolute prohibition against the possibility that a minority class of citizens could ever be allowed by the legislature to enjoy certain rights available to the majority. Furthermore, the amendment language contained in the resolution contains an attempted evasion of the Full Faith and Credit Clause of the U.S. Constitution. (Attachment 36)

Marcia Fleischman, Co-Pastor Broadway Church and member of the MAINstream Coalition addressed the committee urging the committee to reject **SCR 1601** which would add the addition of discriminatory language to our Constitution. It is their opinion that a constitutional amendment is an unnecessary and sad statement for our legislature to make, driven, in their opinion, more by temporary political expediency than truly rational reasoning. (Attachment 37)

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Rev. Marcia Fleischman also spoke for herself in opposition to **SCR 1601**. In her testimony, Reverend Fleischman made note that passing a Constitutional amendment to deny our gay brothers and sisters the right to marry, to pursue, life, liberty and the pursuit of happiness is Anti-American and Anti-Christ. (Attachment 38)

The National Organization for Women was represented by Jana Mackey in disagreement with the passage of **SCR 1601**. Ms. Mackey reported that it is their opinion that if the resolution is passed and placed on the ballot, Kansans will not only be asked whether or not they support a constitutional amendment defining marriage as a relationship with one man and one woman. They will be asked whether they would deny an unmarried couple the right to hospital visits, the right to jointly own and inherit property, and deny an unmarried couple the power of medical attorney. (Attachment 39)

In opposition to **SCR 1601**, Stephanie Bryson, citizen of the state of Kansas and a lifelong member of the Episcopal Church, testified that through supporting same-sex marriage that the Christian Church will be able to live up to its own standard of communicating the unconditional love of God and the radical inclusiveness of the Gospel of Jesus Christ to the entire world. (Attachment 40)

Angela Hollman appeared before the committee in opposition to **SCR 1601**. In urging the committee to vote no, Ms. Hollman stated that the problem is bigotry and discrimination. Her testimony related that our constitution is meant for freedom, and this amendment is the exact opposite. (Attachment 41)

Written testimony in opposition to **SCR 1601** was submitted by Deborah Holroyd (Attachment 42), Donna Mitchell-Ayers (Attachment 43), Diane Silver (Attachment 44), Larry Gilbert (Attachment 45), Shay O'Brien (Attachment 46), Judy Roitman (Attachment 47), Rachael Pirner (Attachment 48), Cathleen Alexander (Attachment 49), Donald Davis (Attachment 50), Susan Scott (Attachment 51), Amanda Lauren Bareiss (Attachment 52), Jacque Gibbons (Attachment 53), Mary Hale Tolar (Attachment 54), Alley Stoughton (Attachment 55), Kristina Kramer (Attachment 56), Erin Bishop (Attachment 57), Barbara Hoyle (Attachment 58), Sherry Wright, Ph.D. (Attachment 59), Karl J and Virginia R. Kramer (Attachment 60), Tamara Hawk (Attachment 61), Janene McNeil (Attachment 62), Kerri Keller (Attachment 63), Kevin Hartung (Attachment 64), Bradley Farrington (Attachment 65), Wayne Hoffman (Attachment 66), Unitarian Universalist Fellowship of Manhattan (Attachment 67), Patricia Weisenburger (Attachment 68), Mary Westfall (Attachment 69), Emily Ragan (Attachment 70), Tor Janson (Attachment 71), Rachel Melis (Attachment 72), Michael Christie (Attachment 73), Joe Nisil (Attachment 74), Ryan Reffitt (Attachment 75), Andrea Riffitt (Attachment 76), Korin Huncovsky (Attachment 77), Millie Nimmo (Attachment 78), Cheryl Hoffman (Attachment 79), Lori Lowery (Attachment 80), Shanna Chapman (Attachment 81), Angela Reffitt (Attachment 82), Susan Hurst (Attachment 83), Scott Wesoloski (Attachment 84), and a pool of signatures submitted with written testimony from Manhattan, Ogden, Junction City, Manhattan, Riley, Salina, Fort Leavenworth, and Overbrook.. (Attachment 85)

There were no other persons wishing to testify before the committee in opposition to **SCR 1601**.

Chairman Edmonds expressed his gratitude to the gallery, conferees, House Members, and staff for their attention, co-operation, endurance, and patience during the lengthy meeting.

With no further business before the committee, Chairman Edmonds adjourned the meeting at 10:10 p.m.

FEDERAL AND STATE AFFAIRS

GUEST LIST

Date 1-26-05

PEDRO LUIS IRIGONEGARAY	
DENNIS DILL -	
SUSAN FAIRCHILD	
ROB MONTAGUE	
Jane Mackey	
John P. Robinson	
Kirk Aysc	
Lily Schreni	
Patricia Steadman	
Tiffany Muller	
Bill Ryan	
Melodie Pooler	
Kelly Tessendorf	
Michael Lambert	
Joe Hendrixson	
Grace Ulrich	
Amelia B. Bishop	
Carl Peckham	
Kathy Seeler	
Jay Fene	
Jane Landa	
Carrie Coulson	
DAVID Klepper	
Angela Hollman	

FEDERAL AND STATE AFFAIRS

GUEST LIST

Date 1-26-05

Dominic Klumpe	
Charles Sr. Murphy	
Donald Godwin	
Christopher Kinser	
Rev. James M. Dwyer	
Arthur J. Bannell	
Julie Award	
Don Ryan	
Keith Haxton	
Melissa Lowen	
Matt	
Rev. Michael Nelson	
Mike	
Casey	
Marianne Maalala	
Kerri Fellette	
Brandi Biddle	
Cheryl Crow	
Brenda Butler	
Sheely Simpson	
Ann	
Wendy	
Mike	

FEDERAL AND STATE AFFAIRS

GUEST LIST

Date 1-26-05

THOMAS WETT	
Broni & Anja	
Katie L. Ohara	
Vladimir Pavluc	
Carolyn Bridges	
Sandra Stenzel	
Edward Rowe	
Mary Lou Schmitt	
Mary Kay Siefer	
Bob & Handing	
RACE JOE WRIGHT	
John Bullock	
gh Cleland	
Sarah J. Clark	
Wm R. Clark	
Charlene Keich	
Jeff Cohen	
Joe Cohen	
Stephanie Bryson	
Margaret Strehme	CWA of the
Carol Thiller	
Maude Payne	
CHRISTOPHER ESHELMAN	
William Dunn	
Steve Brown	

**Testimony on SCR 1601
Kansas House Committee on Federal and State Affairs**

1/26/2005

Christopher Eshelman, 127 N. Estelle, Wichita, KS 67214

Good Afternoon. My name is Christopher Eshelman. As a lifelong Kansan, I deeply appreciate that the House has taken the time to hold these hearings and give the proposed amendment the careful consideration such a serious step requires.

I understand the legitimate interest the state has in trying to build strong families. I am the child of a failed marriage. My parents separated and then divorced when I was 11. While they did a great job of confirming their love for me and sharing joint custody, it took years for me to come to terms with the changes their divorce imposed on my life – I have a personal understanding of the effect that a lack of stability has on a family and a childhood.

My wife Robin grew up in southeastern Kansas. We met at Wichita State, dated over 4 years (folks in her home town had claimed she was going to get her Mrs. Degree in the big city and so she was determined to graduate before marriage). We will have been married for 13 years this coming March. We have two great kids, Ian age 9 and Aaron James – age 6.

We're a typical family on the go. Normally on a Wednesday night, my wife drops A.J. off with me at the office then takes Ian to basketball practice, she goes to an exercise class, then I pick up Ian and take both boys to Choir Practice. Robin then joins us at church and we participate in an Adult discussion group, Bible study, or other class. Tonight, of course – she's doing all that alone as I am compelled to be here testifying and will be driving home this evening instead of enjoying the normal routine with my family. As I think back to my own childhood, I really marvel at how my single mother managed it all.

It shouldn't really matter in this setting – but I think it's important for you to know that I am a deeply committed Christian and someone who takes the Bible very seriously. Participating in church discussion groups and reading the lessons found in the Christian and Hebrew Scriptures has, bluntly, changed my life. Among other things, it is the reason I appear here today. My faith has taught me that I must speak out for those society would oppress and discriminate against simply because they are created differently – to love my neighbors as myself.

I bring up my faith in this civil setting not to impose it or flaunt it - but because many of the supporters of this amendment whom you heard from yesterday – while they may make secular arguments and cite our cultural traditions – base their opposition to the civil rights of gays and lesbians on their understanding of our sacred scriptures. In other settings, they cite Leviticus 18, or phrases mentioned in Paul's letter to the Romans to condemn and exclude my gay and lesbian friends.

While I disagree with them – I will be the first to defend their right to believe and preach their understanding of their faith. While I disagree – I will always fight to protect their right to exclude whomever they wish from their faith tradition, to set limits on who may be ordained, their minister's proper conduct, and whom may be married in their sanctuaries. These are matters of religion and however sinful or wrong I feel they are – I support the freedom of Religion our founders so carefully and wisely crafted. But I will not stand idly by while they then impress their understanding onto the rest of our society.

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Date 1-26-05Attachment 1

This debate is not about religion and it is not about what any church will be required to do. Civil marriage is a distinct and separate entity from Religious Marriage and we must be very, very clear about that separation. This Constitutional Amendment would not affect what our Churches, Mosque and Synagogues teach or believe any more than our "unbiblical" laws on divorce, remarriage, and food preparation do. I would counsel my Christian Brothers and Sisters that our scriptures repeatedly caution us against the misuse of power and failing to care for our fellow man. For example Ezekiel 16:49 spells out exactly what the "Sin of Sodom" was – and it had NOTHING to do with gay sex. It was about abuse of power and not caring for the stranger.

But this is not the time or place for such arguments. I will just note, for the record, that Christians and people of other faiths are far from united in our understanding of these texts and our understanding of God's gift of human sexuality. Every denomination is struggling at some level with these issues – so when Rev. Fox and Rev. Wright appear and imply that they and their group of ministers and followers speaks for Christian tradition, they do not. Groups such as Soulforce and Reconciling Ministries – both of which I am a member of – understand these texts in a very different light – and recognize that all of our different understandings are incomplete. I strongly encourage you all to visit www.soulforce.org and review the materials found there – especially their discussion of all the different family and relationship models presented as appropriate in the Bible but which we'd be horrified to enforce today. At a more appropriate time, I would also be happy to discuss my growing understanding of these texts with anyone interested.

Rev. Fox and Rev. Wright do speak for the kind of powerful groups which have, for decades, tried to limit debate and even oust clergy and members who would dissent. This sort of control and limitation is nothing new in human societies – it is part of our long human tradition.

Which, of course, is the main secular argument used to continue to oppress gay and lesbian families today.... Upholding Our Traditions and Moral Values.

I've always been a history buff – so let's talk a bit about our tradition. This nation was founded by many diverse groups. Each of our original 13 colonies came into being for unique reasons. (Attachment A) We celebrate the landing of the Pilgrims on Plymouth Rock and their search for religious freedom. We pay less attention to the fact that the Puritans who followed them to the Massachusetts Bay Colony came with the explicit purpose of establishing a Theocracy and created a society every bit as intolerant as the one they had fled from – only the details of what theology was acceptable changed. For example - In 1658, Quakers, or members of the Society of Friends, were identified as a particularly dangerous sect of dissenters. According to the Records of the Governor, "*The doctrine of this sect of people . . . tends to overthrow the whole gospel & the very vitals of Christianitie [sic] . . .*" The colony responded by passing a law on October 19, 1658, which banished Quakers "*on payne [sic] of death.*" Many Quakers were hanged – including Mary Dyer - a now celebrated pioneer of the early struggle for women's rights and religious freedom.

While the details differed - this sort of pattern was repeated up and down the Atlantic Coast. Rhode Island was founded by Roger Williams a "radical" who was fleeing religious persecution – in Massachusetts! The settlements in Virginia were actually planted first by members of the Anglican Church, primarily for purposes of economic gain for their backers in England. Likewise New York was founded by members of the Dutch Reformed church, Delaware by the Lutherans, Georgia was founded as a place to send people who were overflowing from the Debtor's prisons - and Maryland was founded specifically as a haven for Roman Catholics facing persecution in England. Pennsylvania was the original home of many groups – taking it's name from William Penn of the Quakers – but also the destination of Lutherans fleeing the 30 years war and Mennonites, Amish and Moravians fleeing persecution.

Decades later, when this ragtag bunch realized it was in their interest to band together to oppose the overreaches of the British crown – they had a problem. Some had official churches, some did not – but their profound differences were obvious to our founding fathers – who represented nearly every faith found in the New World. Many of the most famous were Deist – believers in an absent Creator, not an active God. Jefferson, in fact, made his own copy of the Bible by using only the “non-miraculous” parts of the New Testament. As a result of this, and his defense of the Establishment clause as a “wall of separation between church and state” – when he ran for President in 1800, critics called him “*a French infidel and atheist.*” Alexander Hamilton called him a “*fanatic.*” Ministers of the time preached sermons warning congregations, “*If Jefferson were to be elected to the First Office in the land, he would discredit religion, overthrow the church, and destroy the Bible.*”

I recall some of the same sorts of claims being made in this past election. I guess it's a tradition. But seriously - These diverse founders did an amazing thing – a revolutionary thing – instead of arguing over their different understandings of faith - they dedicated themselves to the principle *that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.* Further they argued that government's power derived from the consent of the governed – but – specifically in the Bill of Rights to our Constitution – these wise men found ways to make sure that minorities rights would be protected even as the majority was allowed to rule.

The men who wrote this constitution guaranteeing those rights to everybody, they did not know who everybody was going to be. Many of them had prejudices that most of us would condemn today. A compromise made to win passage of Constitution itself counted slaves as 3/5 of a person - and the Dred Scott decision declared that former slaves could never be citizens – a status the only changed with the ratification of the 14th amendment in 1868. Another example is that In the early days of our nation - Roman Catholics could not vote in several states. So in 1813, Massachusetts became the first state to pass a law that said all people could vote regardless of their religion.

Like our definition of who can be a citizen - the institution of marriage has never been rigid and inflexible. It has evolved. At one point, women were the property of their husbands when they were married. They had no rights. I think most of us agree that was a good change. At one point, children 10 or 12 were married off. That was a norm and considered good for society. We no longer think in those terms. At one point not long ago in history, men and women who were married had their partners chosen for them. The concept of love was foreign and not necessary to the institution of marriage. It is a frightening and difficult process to think about going through a change, but it is our responsibility as legislators and citizens to understand that our traditions are not unchanging.

I'd like to take a moment and consider how some of those changes came about. Women were heavily involved in many of the reform movements of the early 19th century, but they discovered that while they did much of the drudge work, with few exceptions they could not take leadership roles or lobby openly for their goals. Politically, women were to be neither seen nor heard.

In 1848, Lucretia Mott and Elizabeth Cady Stanton, two Quakers whose concern for women's rights was aroused when Mott, as a woman, was denied a seat at an international antislavery meeting in London - organized a convention in Seneca Falls. The event attracted 240 sympathizers, including forty men, among them the famed former slave and abolitionist leader, Frederick Douglass. (Attachment B) The delegates adopted a statement, deliberately modeled on the Declaration of Independence, as well as a series of resolutions calling for women's suffrage and the reform of marital and property laws that kept women in an inferior status.

The abolitionist had won their cause when the Civil War and specifically the Emancipation Proclamation ended slavery – but very little in the way of progress came from the Seneca Falls Declaration, although it would serve for the next seventy years as the goal for which the suffrage movement strove.

Throughout the winter of 1917, Alice Paul and her followers in the National Women's Party picketed the White House. They stood silently at the gates, holding signs that said "Mr. President, how long must women wait for liberty?" They were ignored – but after the start of World War I – the signs became more pointed and the protests became an embarrassment to President Wilson.

Spectators assaulted the picketers, both verbally and physically. Police did nothing to protect the women. Soon, the police began arresting the suffragists on charges of obstructing traffic. At first, the charges were dropped. Next, the women were sentenced to jail terms of just a few days. But the suffragists kept picketing, and their prison sentences grew. Finally, in an effort to break the spirit of the picketers, the police arrested leader Alice Paul. She was tried and sentenced to 7 months in prison. Mrs. Paul began a hunger strike, prison doctors put her in a psychiatric ward. They threatened to transfer her to an insane asylum. Still, she refused to eat. Afraid that she might die, doctors force fed her. Three times a day for three weeks, they forced a tube down her throat and poured liquids into her stomach. Despite the pain and illness the force feeding caused, Paul refused to end the hunger strike--or her fight for the vote.

The public was shocked at reports on this treatment of the protestors and support for the Suffragist grew. Finally – those who had argued that women's votes would destroy traditional roles and wreck our society relented. In 1920, with the ratification of the 19th amendment women, at long last, became full citizens - although the struggle for true equality continues even to this day.

Let's turn the page to another struggle - 100 years after the abolitionist movement succeeded with Lincoln's Emancipation proclamation, Blacks, were still not full citizens – the were limited by Jim Crow laws, poll taxes, and enforced segregation. In the 1950's, the Civil Rights movement took form and there were growing protests through out the nation, but especially in the south.

These "uppity" blacks were a threat to the moral fabric of our nation – granting them rights would destroy our society and upset the natural order. Then one day Ms. Rosa Parks refused to give up her seat on a bus – and Dr. Martin Luther King came to the forefront of the struggle. His speeches and letters - like "Letter from Birmingham Jail" are classic of American Rhetoric and a poignant explanation of the American Dream and a people's struggle for justice. One quote that is especially meaningful in my life is:

Cowardice asks the question, Is it safe.

Expedience asks the question, is it politic?

Vanity asks the question, is it popular?

But conscience asks the question, is it right?

And there comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because it is right.

Dr. King dreamed of equality – of a society where a person would be judged by the content of his character. We are still working towards that society, but we've made progress. One of Dr. King's most influential associates was a man history has largely overlooked – a man named Bayard Rustin. He has been overlooked, in part, because of his sexual orientation. Mr. Rustin was a "known homosexual" even in the 1940's. After they co-founded the Southern Christian Leadership Conference – Rustin began organizing what became known as the March on Washington for Jobs and Freedom - Dr. King was heavily criticized for working with Rustin – the FBI even spread rumors

that they were having a gay affair – but King stood by his friend – and the March on Washington was a success and a turning point for our society.

Rustin died in 1987 – and in one of his last interviews, he claimed: "*The barometer of where one is on human rights questions is no longer the black community, it's the gay community. Because it is the community which is most easily mistreated.*" Now I know some would object to my placing gay and lesbian's fight for equality in the same vein as these historic struggles. They say "but gays are different – this isn't about civil rights – this is about immoral behavior." I would respond that being gay – having a natural attraction to others of the same gender – is no different – and no less moral – than being left handed.

In French, the word for left is gauche meaning clumsy or awkward and the word for right is droit. In Latin the word for left is sinister and that for right is dexter (as in dexterity). Lefties have historically been seen as abnormal. At one time that genetic difference was even thought to be the work of the Devil – such people were forced to use "normal" scissors, force to write with the "right" hand. Today, of course, we recognize what folly that was – and even that forcing people who are naturally left handed to conform to the majority "normal" right handedness caused them serious psychological harm. It's only fairly recently we realized that they were not "abnormal" but simple created differently. Once again – our tradition was wrong.

Kind of reminds me how we refer to gays as "sodomites" despite what the Bible actually says about the Sin of Sodom....

In modern times – we are coming to the belated realization that gays and lesbians are simple created differently. In 1973, the American Psychological Association stopped listing homosexuality as a disorder, a decision further ratified by a vote of it's membership in 1975. See APA web site <http://www.apa.org/pubinfo/answers.html>. Despite changes like these, it was only in 2003 was the poorly named act of sodomy decriminalized.

Our nation's tradition is **really** about groups seeking the freedom to be who they are and have equality under the law. Once that promise – *that all men are created equal* – meant only white male Protestant landowners, now we recognize that means men and women of all races and creeds. One day, our society will recognize the rights of our Gay and Lesbian brothers and sisters too.

During the debate over the Federal Marriage Amendment last year, Corretta Scott King said "*Constitutional amendments should be used to expand freedom, not restrict it. Gay and lesbian people have families, and their families should have legal protection, whether by marriage or civil union... A constitutional amendment banning same-sex marriages is a form of gay bashing and it would do nothing at all to protect traditional marriages.*"

As a society – we give special consideration to Ms. King's words because she serves as a spokesperson for Dr. King's legacy. Why is that? Because our society gives special consideration to kinship. A spouse can often speak for their partner because we recognize their relationship.

There are many situations where kinship creates bonds and obligations not otherwise available to people. Commonly cited is the example of a person who has been in a serious accident and who needs someone to make major medical decisions for them — perhaps even the decision to take them off life support. Whom do the doctors wish to speak to? The next of kin. If married, the "next of kin" is always the spouse, and if that person is not available, the doctors move through children, parents, and siblings. Why is the "next of kin" the spouse? After all, doesn't a person have a stronger

biological relationship with parents or children? Yes, but a stronger biological relationship isn't the same as a stronger kinship relationship.

The relationship with a spouse is often treated as more important because it is a chosen relationship. You can't choose your parents or children, but you can choose your spouse — the person you wish to spend your life with, share all levels of intimacy with, and establish a family with.

Heterosexual couples have the option to establish kinship with one another by marrying. Homosexual couples, whose love and intimacy cannot fairly be judged as any less valuable or significant than those of straight people, do not have this option: they cannot form a kinship bond with one another. Because of this, their relationships are at a social disadvantage.

There should be no puzzlement over a gay couple, whose love and relationship may be every bit as deep and enduring as those of a straight couple, would want to become recognized as kin, thus creating a new relationship and new ties not otherwise available. Yes, gays are asking the body-politic to recognize their relationships as being kinship bonds — and there is no good reason why they shouldn't be so recognized. There is nothing about the relationships of straight couples which makes them any more "worthy" of legal, social, and moral obligations we traditionally structure as "marriage." Rep. Kinzer, for example — sent out a well articulated letter explaining his position in favor of this amendment. In it he asks "*then how does one explain the essentially universal adherence to such marriages across radically different cultures over millennia of human history*" — I would respond that most societies have organized that way because most people — 95+% — are sexually attracted to the opposite gender — hence, that would certainly be how we'd expect most societies to organize themselves — but what is most common has little to do with what is right.

"Let the people vote" you say. Nice cop out. Should we have done that in the 1950's? The will of the majority certainly didn't support Dr. King's work in Montgomery and Selma - but as a nation we now honor him with a national holiday. How much further harm would have been done if racism had been elevated to constitutional levels by the whim of a majority - you know - to "protect" traditional values. How about in the 1900's - maybe we could have headed off those pesky suffragist. 1st Timothy is pretty clear after all - and even the Constitution says that All MEN are created equal. Imagine the nerve of women who think their rights should matter... it's unnatural... think of the traditional families...

In his letter - Rep Kinzer then argues *the same reasons we don't grant rights and incidents of marriage to the two sisters would apply with at least as much force in the case of a homosexual couple. The mere fact that the one of the relationships involves sexual conduct is no basis for granting it special privileges while denying them to the other.* I would respond by saying that we SHOULD allow people to enter into social contracts which grant them things we currently consider "incidents of marriage" regardless of their sexual interests. These kinds of bonds help create stable families and give those involved piece of mind that their wishes will be carried out, that their loved ones will be able to visit them if they are ill, that decisions on property, children and thousands of other things we married folk take for granted will be made by them, and not by the state.

I know Rep. Kinzer and I disagree over the effect this amendment will likely have on social contracts outside of marriage. He makes a heartfelt argument for his case in his recent letter — but I would note, for example, that in Ohio — concerns about the effect their very similarly worded amendment would have — concerns brought up by groups like the AARP concerning the loss of rights for unmarried couples such as property rights, power of attorney, hospital visitation and inheritance — were dismissed and even ridiculed by supporters. But since November a host of problems have surfaced with their new law and dozens of lawsuits are pending. Even Restraining orders against

unmarried domestic abusers have been challenged on the basis that such orders only apply to married couples. Ludicrous – sure – but who will bear the legal costs of sorting this out? Members of our society who are already abused, scapegoated, and oppressed. That's simply not right.

If I'm wrong, there's no harm done I suppose – beyond further scapegoating gays. But what if Rep. Kinzer is wrong? What if our situation turns out like Ohio, and Utah, and Michigan have seen – with a host of unintended side effects. How will we then fix the problem? Once the Constitution is amended – it's nearly impossible to undo – what harm will we do to our society in a misguided attempt to further oppress gays – or just make this whole issue "go away" for a while.

Your vote will affect hundreds of real Kansas families - families that are not recognized by law now - but still exist. Real families who will be hurt. At "best" their lives, their very existence, will be highly politicized. Imagine how that must feel - having your fellow citizens vote on whether your love, your life, with another consenting adult, is acceptable? How many of us could stand up to that sort of pressure? How many of our "normal" "traditional" relationships would stand up to months of being the focus of a social debate? And why are we putting our neighbors through this?

And again - how, exactly, will denying their civil rights improve my "traditional" marriage? Denying civil rights to competent, consenting adults does not strengthen other's rights - it harms us all. Gays would be maybe 1-2% of all marriages – when you compare that to 50% of all marriages ending in divorce, as my parents did – the hypocrisy of claims about who, and what, threaten's traditional marriage is glaring.

Of all the maladies that we human's suffer from – fear, hate and bigotry are perhaps the most insidious things. they burrow into our hearts and encourage us to project all the wrongs and frustrations of the world out onto "them" - those "other people" - we think - all will be right - I'll be safe - if I can just stop THEM from threatening me.

I appear here today to proclaim that gays and lesbians are NOT a threat. Not to our institutions, not marriage, not to our state. They are Mothers, Sisters, Daughters, they are Fathers, Brothers, and Sons, they are people of faith, they are co-workers, friends, families - citizens, in the most simple Biblical sense – they are our neighbors. They do not want special rights, they want nothing more - and nothing less - than equal protection under the law for their families.

As a Christian, an American, and a Kansan who knows the benefits of a strong partnership in life, I beseech you to vote down this amendment. Those of you who think you are upholding our traditional values are wrong. You are not upholding the ideals of America, you are betraying them! You are not strengthening marriage or our society – you are weakening our both. Please reconsider – and please vote NO.

Thank you very much for your time and consideration.

53. Religion in the Thirteen Colonies

COLONY	CHARTER DATE	CHARTER RECIPIENT	FIRST SETTLED	SETTLERS	MAIN REASON FOR COMING	RELIGIOUS ORIENTATION	ESTABLISHED CHURCH
VIRGINIA	1606	Virginia Company	1607	English	Economic gain	Anglican	Church of England
	1624	Royal Colony					
MASSACHUSETTS	1619	Pilgrims	1620	Pilgrims	Religious freedom	Separatists	Congregational
	1629	Mass. Bay Co.		Puritans	Establish theocracy	Congregationalist	
	1684	Royal Colony					
NEW HAMPSHIRE	1679	Royal Colony	1623	Puritans	Expansion from Massachusetts Bay	Congregationalist	Congregational
NEW YORK	1664	Royal Colony	1624	Dutch	Economic gain	Dutch Reformed	Church of England (1692)
MARYLAND	1632	Lord Baltimore	1634	English	Refuge for Roman Catholics	Roman Catholic and other	Church of England (1691)
	1691	Royal Colony					
CONNECTICUT	1662	John Winthrop, Jr. (Royal Colony)	1634	Puritans	Expansion from Massachusetts Bay	Congregationalist	Congregational
RHODE ISLAND	1644	Roger Williams	1636	English	Radicals fleeing Massachusetts Bay	Congregationalist	None
	1663	Renewed					
NEW JERSEY	1664	John Berkeley George Carteret	1638	Swedish	Economic gain	Lutheran	None
	1702	Royal Colony		Dutch	Expansion from N.Y.	Dutch Reformed	
				English	Religious freedom	Quaker	
DELAWARE	1683	Duke of York	1638	Swedish	Economic gain	Lutheran	None
	1693	Part of Pa.		Dutch		Dutch Reformed	
	1704	Separate gov't		English		Anglican	
NORTH CAROLINA	1712	Separate gov't from S.C.	1653	English	Economic gain	Anglican	Church of England
	1729	Royal Colony					
SOUTH CAROLINA	1663	Carolina Company	1670	English	Economic gain	Anglican	Church of England (1704)
				French	Religious freedom	Huguenots	
PENNSYLVANIA	1681	William Penn	1681	English	Religious freedom	Quaker	None
				German	Fleeing Thirty Years' War	Lutheran	
					Religious freedom	Mennonite Brethren Amish Schwenkfelder Moravian	
GEORGIA	1732	James Oglethorpe	1733	English	Relief for those in debtors' prisons	Anglican	Church of England (1758)
	1752	Royal Colony		German	Religious freedom	Moravian	

PETITION FOR WOMAN SUFFRAGE.

TO THE SENATE AND HOUSE OF REPRESENTATIVES,

IN CONGRESS ASSEMBLED:

The undersigned, Citizens of the United States, Residents of the State of Dist. of Col.
County of Washington Town of Washington earnestly pray your Honorable Body to
adopt measures for so amending the Constitution as to prohibit the several States from
disfranchising United States Citizens on account of Color.

Colored MEN:

Frank. Douglass Jr
 Nathan Sprague
 Ignatius Dorsey
 Matthias H. Keen
 Jacob, Moore
 Wm. K. Jones
 Solomon G. Brown
 Wm. A. Williams
 Edward Brown
 John A. Leuder
 Milton Fayles
 Thomas C. Hill
 James Shaw
 W. Lonsdale
 B. Fisher
 John H. Dunnington
 W. B. Cudlip
 Wm. Smith 18

Colored WOMEN:

Mrs Frank Douglass Jr
 Mrs Nathan Sprague
 Mrs. Anita Dorsey
 Mrs. Elizabeth Spruce
 Mrs. Delphia Popkin
 Mrs. Sarah A. Payne
 Mrs. Mary V. Berry
 Harriet H. Lee
 Caroline Burnett
 Jane Lawson
 Alice Scott
 Rozie Harris
 Alice Cecilia Long
 Mrs. Elizabeth Chase
 Mrs. Caroline Chase

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Ann Elizabeth Bishop
P. O. Box 1203
Derby, KS 67037
316-776-9284
aebishop@wichitause.com

26 January 2005

I've lived in Kansas for eighteen years now. Before moving here I'd never lived outside the Deep South and Kansas was a culture shock, but a welcome one. I'll tell you why.

I grew up in the Mississippi Delta, where all little schoolchildren learned their history – our great United States, founded on life, liberty and the pursuit of happiness, with freedom and justice for all. But even a little child could see that it was all talk. There was nothing free or just about the way black people were treated.

Late 60's, early 70's: I'm doing voter registration, marching around, carrying signs, a great admirer of Dr. King. The laws did change to protect the civil rights of everyone, but discrimination in the South didn't go away. I lived in Arkansas and I lived in Louisiana before a job transfer brought us to Wichita.

It was great to move to Kansas where our neighborhood and our church were not "lily-white", where my children could have a healthy upbringing among diverse playmates. It was great for my children to learn about equality, freedom and justice and also to see those noble principles lived out in the community around them.

Fast forward to today. I come before you to ask you to oppose this constitutional amendment that says things are not so fair and equal in Kansas after all.

This amendment says that a certain minority group doesn't deserve the same rights as the rest of the citizens. They shouldn't even have the right to make legal agreements and powers of attorney to protect their families. Why? Because their families are different. Their basic family unit is not a legally married, heterosexual couple.

My partner and I have 4 children and 6 grandchildren. Our three older kids are adults, and our youngest is 15 and still at home with us. Here she is. Here's our family.

Just a few years ago my partner and I were finally able to have our own faithful, long-term commitment to each other blessed in the Episcopal Church, in which we've been lifelong members. We were given that opportunity in the cathedral in Baltimore, Maryland, with family and friends surrounding us.

Why didn't we go to Vermont or Canada or someplace where we could be legally married? Because that legal contract wouldn't be recognized here at home anyway. And also because there is nothing legal that's going to make us any more married than the spiritual covenant we've already made.

That's why Part A of this proposed amendment doesn't really matter. It's Part B that's such a shameful injustice to families like mine, families that aren't really different and are certainly not threatening. We're not even special, and we're not asking for special rights. I'm only asking that we have the same rights and protections under the law as everybody else. Part B denies us that.

And why legalize discrimination against us? We live exactly like you do. We spend our days going to work, going to church, parenting our children, volunteering in our communities and schools and churches. We come home and clean the house, clean up after the pets, take care of the yard and look after the kids. We go to sleep as early as we possibly can at night because we are very, very tired. Does this sound familiar?

Ask this teenager about us. She'll tell you. Her two moms are just like all parents: very, very boring.

Let this amendment out of committee with Part A intact if you must. Reinforce the definition of marriage that's already part of Kansas' state laws.

But please do not allow Part B. The risk is that the State of Kansas could become a place where discrimination is legal.

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 2

**Kansas House of Representatives
Federal and State Affairs Committee**

**Testimony in Opposition to Amendment of the Kansas Constitution
Senate Concurrent Resolution No. 1601**

**Bill Rich
January 26, 2005**

A short time ago, every member of this committee took an oath of office, promising to uphold the Constitution of the United States. Now all of you are faced with a decision about whether to vote for or against a proposed amendment to the Kansas State Constitution. Having studied constitutional law throughout my professional career, I have reached the conclusion that the proposed amendment to the Kansas Constitution would violate the Constitution of the United States. I hope that all of you will make a good faith effort to understand the constitutional issues that are at stake prior to casting your vote.

First, please understand that the proposed amendment will not affect marriage in any way. Kansas statutes already limit marriage to the union of a man and a woman, and there are no realistic threats that the Kansas Supreme Court will strike down that legislation or establish a right to gay marriage. The Kansas Supreme Court has repeatedly made it clear that equality provisions in the Kansas Constitution will be interpreted to have the same meaning as the equal protection guarantee found in the United States Constitution. As a result, the only way in which a constitutional right to same sex marriage could be established that would over-ride the existing Kansas statute would be through application of the United States Constitution. Changing the Kansas Constitution will have no affect on that possible future development. That is because Kansas statutes and the Kansas Constitution are both controlled in the same manner and to the same degree by the United States Constitution.

The United States Supreme Court has never addressed the question of whether a definition of marriage that applies only to heterosexuals violates the United States Constitution. As a result, that question remains open. Language proposed for the Kansas constitutional amendment, however, does not stop at that point. Barring same-sex partners from securing "rights or incidents of marriage" will invite litigation.

In the case of *Romer v. Evans*, 517 U.S. 620 (1996), the United States Supreme Court struck down a Colorado constitutional amendment that precluded homosexuals from securing statutory protection against discrimination. Justice Kennedy's opinion for the Court explained that the Colorado amendment "declaring that in general it shall be more difficult for one group of citizens than for all others to seek aid from the government is itself a denial of equal protection of the laws in the most literal sense." In my opinion, the proposed Kansas amendment -- barring same sex couples from the benefits of marriage -- shares the same flaw and would suffer the same fate.

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 3

I hope to make this point in terms that all will understand. With this argument, I am not questioning your authority as legislators to enact legislation that provides special benefits for married couples. Our United States Constitution, however, prohibits you from erecting state constitutional barriers that would prevent others within this state from seeking equal benefits through the normal legislative process. To illustrate this point, ask yourself this question: After adoption of the proposed amendment, could same sex couples successfully seek legislation to provide benefits equal to those of a married couple? If you answer to that question is “no,” then the amendment is unconstitutional

There is yet another major problem with the proposed constitutional amendment. As drafted, section (b) specifies that “No relationship, other than marriage, shall be recognized by the state as entitling the parties to the rights or incidents of marriage.” What does that mean? For years I have listened to complaints about “activist judges;” now I hear some of the same people who make those complaints defending such vague language that will only become meaningful when a panel of judges tells us what it means. It invites government by the judiciary, and represents a complete abdication of responsibility by the Kansas Legislature.

If the Kansas legislature really wants to limit the rights of same sex couples, it should do so through ordinary legislation. A simple statute would in fact be **more** “effective” because it would achieve the same policy goals without inviting the same level of constitutional challenge. If you believe a constitutional amendment is necessary, then amend section (b) to give the legislature the authority to determine whether there are rights and privileges that should be reserved to married couples. A state constitutional provision barring such rights, however, precludes future changes through the legislative process and thereby violates core constitutional principles. It is both anti-homosexual **and** anti-democratic.

If the Kansas legislature promulgates the proposed constitutional amendment, and a majority of voters approve it, the courts will almost certainly strike it down. Many will be tempted to blame “activist judges” for such rulings. But those judicial decisions will reflect a basic commitment that every person living in this nation enjoys an equal right of access to the political process. They will have nothing to do with same sex marriage per se; they will have everything to do with the fundamental rights that flow from our commitment to democracy.



**THE LEAGUE OF WOMEN
VOTERS OF KANSAS**

Janis McMillen
President
Overland Park

January 26, 2005

1st Vice President
Vacant

The Honorable John Edmonds, Chair
Federal and State Affairs Committee
The Kansas House of Representatives

Ellen Estes
2nd Vice President
Wichita

Chairman Edmonds and members of the Committee:

Mary Ann Bradford
Secretary
Topeka

I would like to commend you, Chairman Edmonds, and members of the Committee for providing this opportunity for the public to be heard.

Lee Rowe
Treasurer
Overland Park

On behalf of the League of Women Voters of Kansas, I speak in opposition to SCR 1601. We urge you to oppose this resolution that seeks to insert a discriminatory amendment into the Kansas Constitution, an amendment that restricts the civil rights of gays and lesbians. All citizens look to the Constitution as the protector of human rights --- a protection afforded to every man, woman and child who live in our state.

Sharon Ailsieger
Director
Wichita

Emma Doherty
Director
Salina

The debate about marriage of same sex couples is complex. I believe this topic should be considered in the context of freedom and human rights. There is no justice without freedom, because there can be no human rights without human liberty, and because freedom is the permanent hope of every human. Our history as a state was founded on the basis of freedom from slavery and freedom continues to be our heritage and our responsibility.

Linda R. Johnson
Director
Manhattan

Bill Powell
Director
Salina

All men, women and children have rights, and deserve to enjoy those rights with dignity. The right to care for someone, to be cared for by someone and to share in the ownership of assets over a lifetime should be guaranteed to every citizen. To guarantee these rights is about doing the right thing, about being fair and about rewarding the hopes of the decent and the tolerant.

Doris Slocombe
Director
Emporia

Karin Winn
Director
Overland Park

The debate is about freedom, the freedom for individuals regardless of gender to make a commitment that is protected by law. Freedom by its nature is sustained by the rule of law. Freedom by its nature protects minorities and how better to do so than to treat all citizens as equals under the law. Judges who courageously interpret the law should be recognized for upholding equal protection and not be dismissed as activists whose decisions need to be overturned. For example, when Chief Justice Earl Warren wrote the unanimous U.S. Supreme Court decision in *Brown v. Board of Education*, defenders of segregation cited "judicial activism" across the South and across the country. Less than one year ago, our nation celebrated and honored 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.

FEDERAL AND STATE AFFAIRS

Date 1-26-05


Attachment 4

Proposing to amend our constitution occurs infrequently because to do so requires an understanding that goes beyond today, an understanding that is visionary. While history provides guidance, we want to learn from mistakes of the past...slavery, voting rights, civil rights and human rights. We, as a state, now have another opportunity to speak-up for freedom.

Will you, our elected representatives, advance the cause of freedom in Kansas?

On behalf of the League of Women Voters of Kansas, I urge you to stand-up for freedom, to act to protect the rights and dignity of future generations of Kansans by voting NO on SCR 1601.

Thank you for your consideration.


Janis McMillen, President

**Kansas House of Representatives
Federal and State Affairs Committee**

January 26, 2005

Re: Oppose SCR1601

Testimony given by: Tiffany Muller
Kansans for Justice and Equality Project

Mr. Chairman Edmonds and Honorable members of the committee:

Thank you Mr. Chairman and members of the committee. I appreciate the opportunity to speak. My name is Tiffany Muller and I am the Chairperson of the Kansans for Justice and Equality Project, a nonpartisan, statewide Political Action Committee.

I speak in opposition to SCR1601. I believe that this amendment is unnecessary, spirited by hostility, and will cause great harm to many Kansans. Additionally, as you have heard, there are serious legal concerns with this proposed amendment. I urge you to vote against this proposed constitutional amendment.

Unintended Consequences:

In November 2004, 11 states voted to amend their constitution to include a provision regarding marriage and that marriage would only be recognized in that state between one man and one woman. Additionally, at least 7 states have included provisions that limit the legal recognition of other relationships, such as civil unions or domestic partnerships. Subsection (b) in the proposed amendment before you also seeks to limit the recognition of relationships other than marriage. Subsection (b) has been the point of contentious debate about what it would do or not do. We are in the unique position to be able to look toward these other states to see what effect similar language has had. What we see is that this type of language causes many unintended, harmful consequences.

- In Utah, a Protection From Abuse Order, a civil restraining order designed to protect survivors of domestic violence, has been challenged by a defense attorney based on the Marriage Amendment that their voters passed in November. This case is in regard to an opposite sex couple who lived together. The judge granted the petitioner the residence. The attorney is challenging that the division of property is a right of marriage and therefore cannot be done with an opposite sex couple who is not married. You heard yesterday that this same type of challenge was not possible in Kansas. However, under our Protection From Abuse Order, (KSA 60-3107) a judge may also grant possession of the residence or household. Given that, our law could also be open to challenge.
- In Ohio, defense attorneys are challenging charges of domestic violence against unmarried defendants based on the Marriage Amendment.
- Also, in Ohio, an opposite-sex couple who were not married was not allowed to have their medical power of attorney upheld.

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 5

- In Michigan, health care has been taken away from individuals even though voters did not know that they were voting to strip people of the vital health insurance that they need.
- In Georgia, the amendment has disallowed further consideration of health care benefits by municipalities and/or public institutions.
- In Omaha, Nebraska the Omaha City Council a police contract negotiated included limited rights for same-sex partners. These rights included paid time off to care for a partner's sick relative or to attend a relative's funeral. However, even these limited rights are being challenged based on their constitutional amendment.

These are just some examples of the harmful, unintended consequences that could result from the passage of this amendment in its current form. The legal briefing that this committee heard last Thursday from your staff also confirmed that these types of unintended consequences would be possible – that private contracts and even private employers' health care could be overturned by a court based on the fact that it is so against the state public policy.

The proponents of the marriage amendment urge you to pass this amendment in order to ensure that “activist judges” do not overturn the current Kansas statute. However, this language does not protect from judicial decisions, but instead invites judicial interference. The only way that we will know how far reaching subsection (b) is will be through judicial interpretation. As we have seen in other states, these amendments are being used against people in a variety of ways.

Compelling State Interest

This committee has heard much testimony about why being gay is a “choice”, how it is harmful to the individual, and how it is against certain religious beliefs. It has even been compared, ridiculously enough, to pedophilia and bestiality. It has been stated that being gay is not an immutable characteristic. We could debate all of these points as there is much research out there to support the opposite view; however, these issues are NOT the main point of this debate. These are reasons that people are giving you to JUSTIFY discrimination. The Supreme Court has ruled time and again that for a law to treat one group of people differently than another, it must show that there is a compelling state interest for the discrepancy other than mere hostility toward the targeted group. A compelling state interest has not been articulated in this case. The “gay activists” that are discussed with such disdain did not start this debate. There was not a push in Kansas for same-sex marriage, yet the debate has been shaped in such a way as to make you fear that. I would implore you rather to change the debate. Get past the rhetoric. Has a compelling state interest been articulated that justifies discriminating against all unmarried couples in Kansas and particularly same-sex couples? I would argue that this threshold has in no way been met and therefore you should vote against this amendment.

Popular Vote

It has been stated that the right thing to do is to let the people vote on this issue. That to not allow the citizens of Kansas the right to vote on this amendment further disenfranchises those voters. However, this completely ignores the fact that the people who would be truly disenfranchised by a popular vote are gay and lesbian Kansans. The winds of popular sentiment are of course that the voters want a chance to vote on this amendment, they want a chance to enshrine discrimination into our constitution. We live not in a true democracy where there is mob rule, but rather in a Republic where we also have as a foundational principle to protect the minority. Sending this to a popular vote, goes against that foundational notion. Of course the majority will probably vote for this amendment. If women's right to vote had been put to a ballot, it would not have passed. What about school segregation or inter-racial marriage? When the Supreme Court passed the right to interracial marriage in Loving v. Virginia a full 75% of Americans disagreed with interracial marriage.

You have been told that the number of gay and lesbian individuals in Kansas is so small as to not concern yourself with. But this is just another way to try to convince you to not look at the humanity of this issue – to the real people that this will affect. We have approximately 2 million people who live in Kansas. According to the last census count, same-sex couples reside in EVERY county in Kansas. That means that they are YOUR constituents. Estimates put the number of gay and lesbian individuals from 4% - 10% of the population at large. If we assume that it's approximately 7% that is 140,000 Kansans! Are you willing to cast your vote so easily to set aside for second-class citizenship 140,000 Kansans?

Below is one of the best responses I have ever heard against popular sovereignty:

POPULAR SOVEREIGNTY

I would ask the Senator then if he believes the people of Kansas should have the right to vote on this? – *asked by Senator Tim Huelskamp*

Senator David Adkins' response:

“I have to hearken back to the historical precedence established by the Lincoln- Douglas debates at the time of Kansas' birth, and one of the reasons that I am so heartbroken by the fact that we appear to want to take this action today. Lincoln, who became one of our most famous presidents enshrined in the Lincoln Memorial in Washington (you would have to look pretty hard to find a similar tribute to Stephen Douglas), challenged Stephen Douglas at a time in which our nation was in crisis to a series of debates. That series of debates was one of the most engaging, interesting political discourses in the history of our Republic. It came at a time when the clouds of civil war were gathering. It also came at a time when the birth of Kansas' was at hand and the Kansas-Nebraska act was being argued. Stephen Douglas took the position of popular sovereignty, that the people should have a chance in the territories that were seeking admission into the Union to decide the question of slavery for themselves. Lincoln, on the other hand, took the view

that popular sovereignty was not only an inappropriate political move on the question of slavery, but also an immoral one.

When it comes to this particular issue, I realize that the winds of popularity are in favor of discriminating against homosexuals, just as they are in junior highs and high schools all over this state and this country. If you are an effeminate young man you are called a fag. The bullies pick on you mercilessly. Far too many of our young people who are bullied in such a way find suicide is the only way out. Others grow up with the permanent scars of that discrimination. Some, like Matthew Shepard, find themselves taken out, tied to a fence, and left for dead. So, you have heard a lot of talk in this legislature about property rights, that eminent domain is designed to protect the few from the many, the weak from the rich. And yet, when it comes to those who are by nature homosexual it seems to be a free pass for us to not only say you're different - the rights and benefits that this government confers upon some class of citizens are not available to you.

So, I go back to Lincoln. I'm happy to stand today with Abraham Lincoln. Should popular sovereignty resolve this issue? I don't think so. I believe that there is a moral imperative involved in this issue, and that moral imperative requires that we do our duty. And that duty, plainly stated, is not to allow popular sovereignty, in this particular case, to be used to abdicate the traditional constitutional notion that is embedded in the founding fathers vision of this country: that the minority doesn't get screwed by the majority. That's not what the American dream is about!"

Senator David Adkins

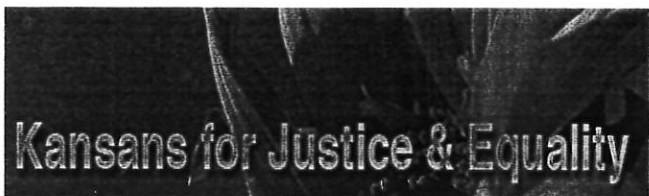
March 26, 2004

Marriage Amendment Debate on the Senate Floor
.....

I urge the committee members to vote against this proposed amendment and move on to other pressing issues. If you are not willing to vote against this amendment and prevent it from going to the full House for a vote, I believe that you have heard and will continue to hear compelling testimony about the need to at least amend this proposal. It is the legislature's duty to form as sound public policy as possible. Please vote against SCR1601. I have included additional information for your review and I would be happy to answer any questions.

Thank you,

Tiffany Muller
Chairperson
Kansans for Justice and Equality Project
PO Box 3736
Topeka, KS 66604



Vote No on SCR1601! Vote Against Discrimination in our Constitution!

Myths and Facts Regarding the Proposed Marriage Amendment:

Myth #1:

If you vote against the Marriage Amendment you will lose your re-election bid as 13 Representatives did during the 2004 elections.

Fact:

Incumbency was the single greatest deciding factor in the 2004 elections. 90% of incumbents who ran for re-election were returned to office (124 or 138 who ran).

In both the Senate and the House races, the marriage amendment had little impact in the elections even though it was a topic of debate. In the House races only 3 Anti-marriage amendment Representatives were defeated based almost entirely on this issue. Pro-marriage amendment challengers defeated only 6 anti-marriage amendment representatives. In the Senate, the marriage amendment had no impact in the outcome of the races. We saw pro-marriage amendment Senators defeated by anti-marriage amendment challengers. Open seats went to both anti-marriage amendment candidates and pro-marriage amendment candidates. There was no consistent pattern on the anti-gay marriage amendment and the results of the elections.

Kansans for Justice and Equality Project worked on 25 campaigns during the 2004 elections. We donated money and over 1,000 volunteer hours to allies who either had voted against the Marriage Amendment or indicated that they were against the Marriage Amendment. These were hotly contested races where in every case someone against the marriage amendment was being opposed by someone for the marriage amendment. These were races that the proponents of the marriage amendment vowed to win. However, the candidate we supported won 80% of the time.

While you have been told that voting against the anti-gay marriage amendment will end your political career, it is simply untrue. This was not seen in Kansas during the 2004 elections and most voters ranked the gay marriage debate as their lowest priority. There are thousands of Kansans prepared to volunteer, give money, and support candidates who will stand firm against discrimination and to help you with your campaign when the time comes.

FEDERAL AND STATE AFFAIRS

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Attachment 6

Myth #2:

Your constituents want to vote on this issue and it is the democratic, American way to allow them the right to vote.

Fact #2:

We do not live in a true democracy where every issue is put up for a vote for all to decide. Rather we live in a Republic where elected officials are called upon to make decisions for the good of the whole. It is inappropriate to put minority rights to a majority vote. This amendment proactively discriminates against a set of YOUR constituents. Throughout our history we have recognized the inappropriateness of putting minority rights up for a popular vote: civil rights in the 1960s, women's right to vote, interracial marriage, disability rights, etc... Both the House and Senate also enter into frequent debates about eminent domain and the need to protect the weak from the strong, the few from the many. Those fundamental notions cannot be thrown out the window simply because an issue is controversial.

Myth #3:

This issue will come up time and time again and may affect the outcome of the 2006 gubernatorial elections.

Fact:

Unless the House has 84 "yes" votes, this issue will not affect any ballot. It is up to the current Representatives to build a coalition of at least 42 Representatives to keep this off the ballot both in 2005 and 2006. The proponents of this measure cannot pass this without a 2/3 vote in both chambers. It is still possible to keep it off the 2005 ballot, thereby not affecting school board and city council races and to keep it off the 2006 ballot, thereby not affecting state races. There is concern that there are not 42 Representatives against this measure; however, we have a number of Representatives who are against this are being bullied into voting "yes" and with support could vote "no". It is simply wrong to sell out one group of citizens by passing this quickly and without public hearings in order to keep this out of the political arena.

Myth #4:

This is a done deal. Get on board, join the legislative family and don't vote against this when it is destined to pass.

Fact:

Last session, Representatives were told to vote their conscience. This was said because people were sure that the votes were there to pass it. Therefore, by being told that it is a done deal indicates that it actually is not. We have 39 "no" votes and only need 3 additional votes. We have a number of Representatives who are either leaning no or whose position is unknown. This is not a done deal. Your vote is needed to help this not pass.

As a member of the Topeka City Council, I know that elected officials can disagree vehemently and then come together on other issues. This is an issue that is important enough to stand up for and vote "no".

Myth #5:

Gays are not a legitimate minority so this is not discrimination.

Fact:

All credible research shows that people who are gay or lesbian had no choice in their sexual orientation. Gay and lesbian Kansans are not afforded the same rights as others and have little voice in the political process that affects their lives. This clearly meets the definition of a "minority". The proponents of this

ndment are seeking the unprecedented act of singling out a specific group of people for second-class treatment in the constitution.

Myth #6:

If gay individuals want civil unions they will have to sue to get them.

Fact:

There is no concerted effort in Kansas to push for civil unions, same-sex marriage, or even domestic partner health insurance. This effort was not started by any gay individual or organization in Kansas; the proponents of this amendment started this. There is no threat to the "traditional" marriage in Kansas. Gay and lesbian individuals do not even currently enjoy the fundamental right of being able to work and live in our society free from discrimination.

This amendment will invite legislation. The amendment is flawed from a legal perspective and it has serious constitutional issues. Rather than protecting against judicial interference, this amendment invites it.

Myth #7:

This amendment only strengthens our current law and will not harm anybody or take away any rights that people currently have.

Fact:

The broad language in part (b) of the proposed amendment, which states: "No relationship, other than a marriage, shall be recognized by the state as entitling the parties to the rights or incidents of marriage", can carry enormous unintended consequences. This language has serious constitutional concerns. (Please see the attached paper) This section seeks to forever ban civil unions, domestic partnerships, and other forms of relationship recognition. This means that no public entity could ever grant health insurance for same-sex partners. It could easily put in jeopardy the following:

- ◆ The ability of same-sex partners to be foster parents (a right currently enjoyed)
- ◆ KU Medical Center's policy that provides health care for same-sex partners of students
- ◆ Medical powers of attorney and/or living wills.

Currently, in other states we have also seen the following unintended consequences:

- ◆ Protection From Abuse Orders challenged for unmarried opposite sex couples who are dating or living together,
- ◆ Health care and health insurance stripped from people,
- ◆ Increase in hate crimes against gay and lesbian individuals,
- ◆ Banning of any municipality, agency of any municipality or any other public entity from entering into discussions about domestic partner benefits,
- ◆ Visitation by an unmarried opposite-sex partner denied at a hospital,
- ◆ Limiting the ability of unmarried couples to jointly own property and inherit that property, and
- ◆ Limiting pension benefits to senior citizens living together.

These issues will affect all unmarried couples, not just gay couples. The ramifications of the broad-based language in part (b) have not been fully explored, nor are fully known. The only way to know what the full ramifications of this will be is through judicial interpretation, again inviting more judicial interference.

Additionally, several large companies, such as Sprint, AmerUs, Cessna, and Boeing, in Kansas currently offer health insurance and paid leave (similar to FMLA) to same-sex partners. While proponents of the anti-gay marriage amendment say that it will not affect these rights, it is actually unclear whether or not that is the case. These companies have stated that it is important for them to be able to offer these benefits to recruit and retain the most highly qualified individuals. Even if this law does not immediately overturn those benefits, these companies may seek places where their employees feel more accepted. It is bad economic policy.

Additional Thoughts:

This amendment is unnecessary and very likely unconstitutional. However, the legislature is choosing to ignore important information from other states that have gone through this process and circumvent the legislative hearing process. This is being voted on without even hearing from those individuals that it will most seriously harm. This is not sound public policy and a change to our most sacred document should always be done with the utmost care, research, and information.

Many arguments for passing this legislation have been based on religious arguments. It is important that every person in Kansas is able to believe and worship in whatever way they wish; however, this does not mean that it should influence public policy. Actually our state constitution states very clearly in Section 7: "The right to worship God according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend or support any form of worship, 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. No religious test or property qualification shall be required for any office of public trust, nor for any vote at any election, nor shall any person be incompetent to testify on account of religious belief." (Emphasis added)

The majority of Kansans are not concerned about this issue. They are concerned about education, health care, economic development, and taxes. Same-sex marriage has consistently at the bottom of the polls for the last year in terms of what people see as the most pressing issue. We have a small minority of people putting much pressure on you to vote yes. The majority of Kansans are fair-minded, tolerant, and accepting. They hold on to the strong Kansas value to "live and let live" – that if one can work and make a life and not bother others, then they deserve to be left alone. This does not mean that the majority of Kansans are supportive of same-sex marriage at this time, but they also do not support discrimination or setting one group aside and saying that they don't deserve certain rights – that they are somehow "less than".

We urge you to vote **NO** on the proposed Anti-Gay Marriage Amendment.

I would be happy to provide any additional information or answer any questions.

Sincerely,

Tiffany Muller
Chairperson
Kansans for Justice and Equality Project

Kansans for Justice and Equality Project ~ PO Box 3736 Topeka, KS 66604 ~ 785-221-2559 ~ kjep@kansasjustice.com ~ www.kansasjustice.com

Kansas Unity and Pride Alliance ~ PO Box 1392 Topeka, KS 66611 ~ 785-267-4160 ~ info@kansasunityandpridealliance.org ~ www.kansasunityandpridealliance.org

TESTIMONY OF BRUCE A. NEY
BEFORE THE FEDERAL AND STATE AFFAIRS COMMITTEE
OF THE KANSAS HOUSE OF REPRESENTATIVES
JANUARY 26, 2005

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. I practice as corporate in-house counsel for a Fortune 50 company with offices here in Topeka. However, my appearance before you today is in my capacity as a concerned Kansan, opposed to Senate Concurrent Resolution ("SCR") 1601.

One year ago, I testified on this same issue before the Senate Judiciary Committee shortly after 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 that KCCI poll were stunning. The poll showed that over 30% of businesses surveyed admitted they would consider leaving Kansas because of the poor business climate. I argued then and do today, that 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, SCR 1601 does nothing to further this goal. It will unnecessarily complicate efforts by business to recruit and retain new and existing employees, as well as make our communities' efforts to attract new businesses or retain existing businesses even more difficult.

SCR 1601 simply sends the wrong message to Kansas businesses and those looking to relocate here. Despite the proponents' protestations to the contrary, the resolution's message to companies is clear, "your gay and lesbian employees are not welcome in Kansas." As drafted, the sweeping and all encompassing provisions of SCR 1601 abolishing any and all relationships other than what it defines as "marriage," tells those same businesses that if they recognize and offer domestic partnership benefits in the state of Kansas, their policies may be void and unlawful as a matter of law and public policy. Today, nearly one-half of the Fortune 500 companies offer domestic partner benefits. Of companies that provide such benefits, 90 percent cover a domestic partner's dependant children; 60 percent extend adoption assistance to the domestic partner; and, 72 percent also allow employees to take extended family leave to care for a domestic partner or their dependents.¹ My employer offers all of those benefits to not only its gay and lesbian employees in domestic partnerships, but to its heterosexual employees in domestic partnerships as well.

Despite what you have been told by proponents of this measure, I can assure you that domestic partner benefit plans offered by companies doing business in Kansas will be affected, as will the companies themselves. Contrary to the self-serving assurances of the

¹ GAY PARENTS CHEER A BENEFIT REVOLUTION, *Stephanie Armour, USA Today, Jan. 10, 2005.*

proponents, it defies logic and any legal principle that I was taught in law school, to say companies doing business in Kansas will not be affected. Companies cannot unilaterally exempt themselves from constitutional public policy that declares as void and unlawful those domestic partner relationships the companies recognize and treat as being equivalent to marriage for benefit purposes. Domestic partner benefit plans can take a variety of forms depending on how a particular company may wish to allow them – for, example, some require registration with a governmental unit while others do not. Clearly this amendment would prohibit such registration in Kansas. But, could a Kansas employee register their partnership in another state, as some have, and still have it recognized in Kansas by their employer under this proposed amendment? The proponents say the amendment will not affect private benefits – but have they really thought about this question – are they giving you the straight facts? Isn't recognition of something allowed in other states what they are trying to prevent with this amendment? The overriding commonality of domestic partnership plans is that they treat a domestic partnership on the same level as a married employee's benefits. This treatment gives rise to state income tax implications – can a domestic partner's benefits be treated pre-tax or is that state recognition of some other form of marriage, as well as state probate law questions where property is passed under a benefits package to a spouse or domestic partner. Can the proponents honestly, and with a straight face tell you this amendment will not affect these private benefits? The fact is, they have not and can not.

Kansas companies will incur costs due to these and many more unanticipated ramifications of this legislation, including compliance costs that proponents refuse to acknowledge. It appears that none of my fellow Kansas employees, gay or straight, will be able to take advantage of our employer's domestic partner benefits if this proposed amendment becomes law. You must not lose sight of the fact that businesses seek out positive environments, including quality of life considerations for all of their employees, in addition to locations with lower taxes and fewer government regulations.

I hope you will recognize that if SCR 1601 is adopted it will serve as a constitutional deterrent to businesses considering locating in Kansas and a constitutional impediment to businesses' ability to recruit and retain highly qualified workforce members who happen to be homosexual – or even heterosexual -- and living in a domestic partnership or other form of marriage like relationship. Unfortunately this measure will simply serve to further the negative-image problems Kansas continually battles. SCR 1601 is simply discriminatory and would serve as the culmination of efforts by certain groups to write discrimination directly into the Kansas Constitution. As Kansas stands on the precipice of loosing its last Fortune 500 company headquarters, this discriminatory effort flies squarely in the face of the commitment 82 percent of Fortune 500 companies have made to their employees by including sexual orientation in their non-discrimination policies.

The goal of this committee and this legislature should be the enactment of positive public policy that promotes the economic health and well-being of our businesses and communities, improves the lives of all Kansans and protects the rights of all individuals, especially those in the minority. This policy, if enacted, will impede our ability as a state to move forward in a positive direction. SCR 1601 is an ugly, divisive and unneeded

piece of legislation pushed by a small, but vocal group of activists trying to enshrine discrimination in a non-discriminatory document. At a time when we should be doing more to encourage business growth, we are creating an environment that is going to catch Kansas businesses in the cross hairs and bring unnecessary harm to their employees and their bottom line.

I ask that you continue to give Kansas communities, businesses and employees 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. No state slogan, regardless of how much it costs or how big you think, can undo the damage this legislation will inflict on companies doing or seeking to do business in Kansas, as well as their employees both gay and straight. Again, nearly one-half of the Fortune 500 companies offer domestic partner benefits because they recognize the value of these relationships and their employees.

Please vote "no" on SCR 1601.

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

RE: SCR 1601
January 25, 2005

Dear Chairman Edmonds and Committee Members;

My name is Carol Nistler and I currently live in Olathe. I have been married 28 years to my husband Don and we have two grown children Sara and Ryan. All four of us would like to ask this committee to vote NO on the Marriage Amendment.

I would like to think that our family is fairly typical of most Kansas families. We raised our children in the United Methodist Church and the public schools, our daughter was in Girl Scouts and I was her leader. For twelve years, my husband and son were involved in Boy Scouts and we all watched with pride as Ryan became an Eagle Scout. Ryan is no longer a member of Boy Scouts because Boy Scouts membership policy prohibits gays from being members. Our children are both KU graduates and are employed and out on their own. Our son is working at KU as a research assistant conducting research on the West Nile virus; work that he began as an undergraduate. He is currently applying to graduate school to earn a Ph.D. in Virology. As I stated in earlier emails to this committee, our son has decided to look outside of Kansas for graduate school in part because of the politically hostile environment in this state. Our son realizes that there is not a perfect utopia beyond the state lines, but he is ready to live in a state that is progressive instead of regressive.

Since our son came out to us as a gay man, our family has endured hostile comments, reactions and insults. One of the more insulting comments made to us has been that our son chose his sexual orientation. I would like all of you to take a moment and think back to the time when you sat down and made the choice to be either a heterosexual or a homosexual. I would imagine that most of you are now thinking that you didn't choose your sexual orientation. So why do the proponents of the marriage amendment believe that a person chooses their sexual orientation? It is so they can say that the marriage amendment is not a discriminatory policy. That marriage is available to everyone except for the person who chooses to be gay. Gays can share the same benefits of marriage just by marrying someone of the opposite sex. That kind of justification is insulting to our family.

The proposed marriage amendment is being pushed by some because of fear. Proponents of the marriage amendment want to prevent any possibility of a court challenge so they came before this committee yesterday and said that if we don't have this marriage amendment, traditional marriages will suffer, other deviant behavior will want to be recognized, the health care system will collapse, churches will be pressured to accept homosexuals, etc. How insulting to our family! The almost 50% divorce rate among heterosexuals has nothing to do with gays. The church leaders might want to spend time looking at the chosen behavior in their own church communities before trying to pin all of societies ills on gay people.

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 8

When you target gay people with hurtful comments or acts of discrimination you are also targeting their extended families. Gay people as a group may not be a large percentage of the population, but for each gay person in this state there is a mother, a father, grandparents, aunts, uncles, cousins, etc. that listen to negative, hurtful comments made about their family member. As the parent of one gay child and one straight child, I am saddened to see our son denied the same rights that our daughter has. Our daughter will be married this spring and her marriage will be celebrated and recognized. If our son chooses to have a civil union, we could have a celebration like our daughter's but simple things such as having a picture of our son and his future partner published in the newspaper announcing their civil union is not allowed. Many newspapers will publish birth announcements of babies born out of wedlock, but not of two people sharing their commitment to one another. While I can choose to display photos of my family on my desk at work, many gay people are hesitant to do so. In Kansas you can legally be fired from your job just because you are gay. Sexual orientation is not included in the Equal Opportunity in Employment act. The proposed Marriage Amendment is just one more reminder to the gay population and their families that discrimination is alive and well in Kansas.

The saddest element about this whole controversy is that the marriage amendment pits one group of Kansans against the others. Instead of recognizing the value and worth of each of its citizens, we are asking the government to impose a policy that hurts some of the citizens in this state. It amazes our family that in 2005 the State of Kansas is even considering such a discriminatory act. The Legislature, the Department of Tourism and many of the Economic Development Councils across the state are continually trying to entice new businesses and visitors to Kansas. While economic incentives or new tourism slogans may initially peak the interest of prospective companies or tourists, the policies and images of doing business or living in Kansas will determine the future of this state. What kind of message do we want to send to the rest of the nation? That Kansas is so afraid of being challenged in court that they jumped on the marriage amendment bandwagon and amended their constitution to add discrimination? Where is the fire and determination that used to propel Kansas to the forefront of national politics? Where is the leadership in our state capitol to say that discrimination is not what Kansas is all about? Will Kansas decide to stop discrimination and move into the 21st century or will Kansas succumb to fear and step back into an era of suspicion and fear?

Our capacity to love another human being is one of the greatest gifts we will ever experience in our lifetime. Love will overcome fear and love will overcome hate. Our family's hope is that the State of Kansas will not only provide an environment that recognizes the wonderful diversity of its' citizens but will become more inclusive and welcoming of all.

Thank you,
Carol, Don, Sara and Ryan Nistler

“The United States was founded in the name of democracy, equality and individual freedom, but is failing to deliver the fundamental promise of protecting rights for all.” –Amnesty International, January 19th, 2001.

Ladies and Gentlemen of the House Committee: Let me start by thanking you for allowing me this opportunity to speak tonight.

Secondly, I would like to introduce myself. My name is Brittany Francis, I am eighteen years old, a Silver Lake High School graduate and a proud citizen of Topeka and the state of Kansas. I currently attend Washburn University where I am seeking a degree in Political Science. One day I aspire to apply what I learn at Washburn to Kansas government. When I tell people I wish to go into politics they generally assume I will move to Washington D.C. and execute my political knowledge there. But I must always correct them as say, “No, I WANT to stay in Kansas. My home.”

You see I love Kansas; there is nowhere else I would rather be. Likewise, I love the United States, the Constitution, and most importantly our countries principle of democracy and I forever want to see these things prosper. Because I hold these things so close to me I want them to be and stay protected which is why I urge you today to vote NO on resolution 1601.

What Kansas communities need are MORE loving families, not less. If we are to allow this resolution to pass it decreases the possibility of creating families.

I understand that many proponents of a constitutional ban on gay marriage argue that we need such a ban to protect our children and future but what they fail to realize is that I am

your child, I am this states future. And by passing this resolution you are not protecting me or the thousands of other gay and lesbian residents of the state.

Furthermore, gays and lesbians, which this resolution is meant to target, are working, productive members of society just as our heterosexual peers. So why should we be denied the civil liberties that they encompass because we live our lives differently? And based solely on legal and legitimate reasons, how can the government deny two consenting adults the right to be married because they either two females or males? There is not a rational, legal, or intelligent reason why as equals in every other aspect of society, we should abstain from obtaining equal privileges and protections.

As a lesbian I can personally say I am not in search of nor do I expect special treatment or certain privileges others unlike me posses. I am merely seeking equality in ALL aspects of life.

Constitutionally defining marriage as between one man and one woman is actually unconstitutional and completely absurd. If a ban of gay marriages were ever to be amended to the Constitution it would be cheating democracy. We would believe in freedom when everyone would not be free.

Our Constitution says that ALL men are created equal. If you believe in our Constitution then you will accept that all people should be granted the same rights in every aspect of the law despite personal lifestyles. How can we as a state expect support and respect if we do not ourselves respect and support our citizens regardless of our different ideas?

Additionally, what has been brought to my attention and a major cause for uproar surrounding gay marriage rights is the issue of religion. I understand that many peoples faith guides them to make decisions. However I want to emphasize that this is not an

issue of the church. Church is SEPARATE from state. This isn't even a moral issue as it is liked to be called. It is in reality and most importantly a people issue. It affects all of us gay and straight. For example, part B of the resolution includes heterosexual relationships, therefore not only would gays and lesbians be targeted for discrimination. All relationships gay or straight that were not marriages would be legally voided.

Furthermore, Kansas deserves to be known as a progressive and benevolent state. It is more than worthy to be leading the way for this and other human right issues. I hope that people across the United States can look at Kansas and recognize it for its greatness, achievements, and acceptance of all people. Our state's new motto is "As big as you think." If we as Kansans allow there to be discrimination in our laws how big are we thinking? So ask yourself, how big do you want to think?

With that I would like to thank you again for your time and allowing this public hearing. Again I urge you to stand up for the constitutional rights of all citizens of the state and vote NO on resolution 1601.

-Brittany Francis



January 23rd, 2005

Testimony of Thomas Witt
Federal and State Affairs Committee
January 26, 2005

For the past year in Kansas, and especially in the last two weeks, there has been a steady drumbeat for this legislature to pass a marriage amendment as quickly as possible. The extremists behind this measure steamrolled SCR1601 through the Senate with no hearings and only a cursory debate. I've seen more consideration given to placement of traffic signals than was given to this measure by the Senators who voted for it.

Amending the Constitution isn't something to rush into.

There are several myths, mistatements, and outright falsehoods that are being spread about this measure.

In the first few days of this session, proponents were claiming they needed no hearings and no debate because "everyone debated this in the 2004 session." This is laughably false. Fully one-fourth of this session's legislators are newly elected.

Another myth is that "everyone already knows how they're going to vote." This is clearly untrue. Today is my fourth day here since the beginning of the session, and in the meetings I've had with many of you, I've talked to several legislators who are most definitely undecided. You are torn – torn between voting "yes" on this measure to make it go away as an issue, or voting your conscience and voting "no." This dilemma was made clear in yesterday's testimony by Representative Janice Pauls, in which she

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described a senator who, immediately after casting a “yes” vote on this bill, made a tearful call to apologize for that vote.

You are being told that “the people of Kansas want this amendment.” The organization I represent has been calling voters for the past two weeks, asking their opinion on this measure. We’re finding division, not unanimity. We’re also finding confusion – confusion about what’s in this amendment, and confusion about what the second paragraph of this amendment means.

The proponents of this measure are right on one count – Kansans are concerned about marriage. This is the midwest, after all, where family and tradition are cherished. But the proponents are dividing this state, and I believe they are doing so intentionally. They want to rush this measure through this body without debate, and they want to rush this measure to a voting public that, after a long general election season, is weary of elections and politics. They’re banking on three things to pass this: Confusion, division, and an election that if history is any guide will have a very low turnout.

The proponents are selling what they alternately refer to as a “ban on gay marriage” and “protecting traditional marriage.” Yesterday’s testimony ran the usual course of attacks on gay and lesbian Kansans. Professor Kobach used a fatuous analogy that equated being gay with smoking marijuana. Attorney General Kline put us in the same category as people who commit sex crimes against children.

There was quite a bit of selective quoting of statistics in yesterday's testimony. Pastor Washington quoted statistics about the rate of sexually transmitted disease in gay men. What he didn't tell you is that the study he was citing was a survey of men getting tested in a health clinic. That's like evaluating the efficacy of a hospital by counting only the bodies in the morgue, or doing a survey of crime rates by only interviewing prison inmates.

There were many statistics tossed about by several of yesterday's speakers. I've carefully reviewed the testimony that was submitted for yesterday's hearings, and while many studies were quoted, none of the actual research papers were included. This committee cannot properly evaluate the claims based on assertions of what may or may not be in studies that weren't provided to you.

Many of the statistics asserted were based on the so-called "work" of Paul Cameron, who has been disassociated from the American Psychological Association, the Nebraska Psychological Association, the American Sociological Association, and was accused by Judge Buchmeyer of the U.S. District Court of Dallas of making fraudulent misrepresentations while under oath.

Yesterday's speakers are blaming gay and lesbian Americans for a whole host of society's ills. We're somehow responsible for the high rate of divorce. We're behind the growth in out-of-wedlock births. Kent Hampton yesterday alleged that we're in some way culpable for gang warfare and teen pregnancies in urban American neighborhoods.

Jerry Johnston brought with him a “Top Ten” list of apocalyptic assertions of the consequences of gay unions. Among his charges are claims that we’re going to “destroy traditional marriage,” and cause the “collapse of the health care system.” He offers no evidence of how we’re going to commit these atrocities, just assertions.

Beyond the polemics, the hyperbole, and the highly personal attacks on their fellow Kansans, I think there’s a bigger issue that the proponents of this measure don’t want this body to focus on. The second paragraph of SCR1601 states:

No relationship, other than a marriage, shall be recognized by the state as entitling the parties to the rights or incidents of marriage.

Yesterday I met separately with the two men who are most closely associated with this amendment, Senator Tim Huelskamp and Pastor Terry Fox. I had similar questions for both of them: What is the meaning of that second paragraph? What do they mean by “relationship?” What are the “rights and incidents” of marriage? I asked Senator Huelskamp if he had a list of those rights and incidents, or if he knew the specific Kansas statutes that defined them. I asked Pastor Fox if there was a list to be found in Scripture. Neither man was able to define “relationship.” Neither man was able to provide me with a list, either in law or in scripture. Senator Huelskamp wanted to talk about my sexual relationship with my partner. Pastor Fox wanted to rail at me about how people who support the “homosexual agenda” cannot be redeemed and are not God’s children. I was

told I should just “know” what a relationship is, that I should just “know” what the rights and incidents of marriage are. In yesterday’s testimony, Janice Pauls indicated something very similar: that the rights and incidents of marriage are the rights and incidents that married people enjoy. Kansans deserve better from their leaders than circular arguments, threats of damnation, and prying questions into the most intimate details of one’s private life.

The proponents of this measure say it’s about families and the so-called “gay lifestyle.”

On that issue, they’re right, but not for the reasons they think. This is indeed about families – it’s about families like mine and thousands of other gay and lesbian families across this state. The extremists like to trot out flawed studies that show that gay men have “thousands” of partners in their lifetimes. This is not my experience. I have one partner, a wonderful man to whom I have made a commitment for life. We have a 17 year old daughter, of whom we are incredibly proud.

The elderly couple who live around the block from us have been there since 1961. The couple down the street, men in their 30s, have been together since 1993. According to the last US Census, every county in Kansas has gay and lesbian families. This is *not* San Francisco, this is *not* Massachusetts. This is *Kansas*. We are midwestern families with midwestern values. We want to live our lives in freedom, we want to live our lives in peace, and we want to worship in faith communities where we are welcome.

I mentioned my daughter a moment ago. Some of you here met her, and heard her speak last week, when the Jr ROTC kids from Wichita came to the Capitol for the day. She's an honor student at Wichita's East High, and just last weekend, won the "Outstanding Cadet of the Year" award. We have raised her to have a love of country, and to have a strong sense of honor, duty, and integrity. Her goal after high school is to get an appointment to the US Naval Academy and then an officer's commission in the US Marine Corps. She knows how precious the freedoms are that we all enjoy, and is willing to do what it takes to defend them. Please don't make a mockery of her. Please don't vote for a vague, discriminatory amendment that will be used to target her family and thousands of others.

I am the Rev. Dr. William R. Clark. When I called Ms. Doel on the phone, she asked me whom did I represent. I'll share that with you now. I represent all that is good and noble and honorable and just in life. I REPRESENT GOD! I represent a God who is loving and forgiving. I represent a God who redeems and who gives people second chances, many of them. I represent a God who is not hateful or vengeful to his children who don't conform to certain other people's standards of behavior.

I come to this meeting, therefore, from two points of view. One, I come as a clergyman who has served people and helped them now for almost 50 years. But, two, I come to this meeting also as a parent. I come as a father of a son who is gay.

My heart bleeds for him and his friends sometimes when I see what society does to them. I feel like weeping at times when I watch as society tries to rip apart him and his friends simply because they are gay. The treatment to them, such as to Matthew Shepherd from Montana, at times is horrific.

Yes, I represent a God who does not do that! I know a little bit about the Bible. I have a doctorate in theology. Therefore, I have at least a speaking acquaintance with the Author. Out of the whole Bible, there are only three or four references to homosexuality. Yet some people take those minute references and try to build a gigantic inverted superstructure on a few isolated words.

There are only these three or four references in the Bible to homosexuality. However, in the Bible there are literally dozens upon dozens of very pointed statements about adultery. Yet, I suspect that many people who castigate homosexuals for their behavior on one hand are among those who have committed the other on the other hand. They keep quiet about adultery, but rail against homosexuals. It's a strange phenomenon, isn't it!

Basically I have found that what the gay and lesbian people want most is simply to be left alone. They do want, and they deserve, the same rights and privileges as the rest of us. Yet, we exclude them from the completeness of human life of love and families and commitment and marriage.

We hear talk about marriage being only between one man and one woman. We speak of preserving the sanctity of marriage. Yet, in America our divorce rate is 50%. In other words, one half of the weddings I perform are probably going to end in divorce. That is true in spite of all we can do to help prepare our people for marriage. Many people go ahead and get married and divorced three or four or five times. And speaking of divorce,

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I'm sure you all have heard the story about the woman who was a good housekeeper. Every time she got a divorce, she kept the house!

If we want to preserve the sanctity of marriage, and since our divorces are at a 50% casualty rate, and if marriage is a one-man, one woman only, then I keep asking, "Which ONE man coupled up with which ONE woman in these multiple marriages is the real one?" It cannot be a very "sanctified" marriage with three or four spouses from each side in the same marital bed.

We have four children. Three are heterosexual, and the one is gay. Of these four kids, two have been married and divorced. There is the 50% rate! One child was married for five years before they divorced. Our daughter was married for only one year, then divorced, but has since been remarried for eight years. Our daughter sold her first wedding gown through an ad in the newspaper that read, "Wedding Gown for Sale—worn once by mistake." It sold.

Our son who is gay, however, has been in a monogamous, committed relationship for nine years. It is longer than either one of his siblings' marriages. And if you have children, the nine years so far is probably longer than some of your kids' marriages have lasted as well.

Would my gay son and his partner in this nine year committed relationship marry if they could? Yes, definitely! In a heartbeat! Yet they cannot, but my heterosexual children can again and again and again!

I read in a newspaper article of a meeting here in Topeka last week at which one preacher stated, "Monogamy is a minority among the gay community." Why is monogamy such a minority among gays? Do you suppose it has anything to do with our hostile, angry attitude about not allowing them to marry?

Why are we so terrified, yes, terrified, of those who are different from the rest of us? We lambaste gays and say they have one-night stands, yet we don't allow them the right to have commitment and marriage. If they were allowed to marry, then they would not have one-night stands. However, in spite of what we may want to think, there are lots of heterosexuals who also do the one night binge.

All that gay people really want is the right that any human being wants. That is the right of being able to love and to commit himself or herself in marriage, in a permanent relationship, and in support to another person. And, as anything other than second-class citizens in America, they deserve that.

I've never quite understood how the test of MARRIAGE AS A MAN AND A WOMAN—that is, opposite sexual genitalia, somehow qualifies persons to have a monopoly on love, on caring about someone else, on

committing oneself to another person for a lifetime in a sacred wedding ceremony.

Let me be clear about this! Homosexuals are not the evil monsters and depraved creatures that some try to paint them to be. They are not child molesters, they are not bank robbers, and they are not makers of “dirty bombs.” Please remember—most child molesters are heterosexuals!

Most all the gays I know are good, decent, and caring people. And, yes, I have known a good many of them. Many are friends of our son and who are our friends now also.

Yes, my son is gay, but my son is not a monster. Neither is he evil or depraved! I also had an uncle who was gay. It certainly looks to me like those specific genes are passed down through family lines and, I suspect, my son's gay genes have come through my side of the family. There is no homosexuality as far as I know on his mother's side of the family.

My son has always been different from our other three children. He is no better nor is he any worse. He is just different! He was different almost from the moment he was born. He was different as a toddler and as a child growing up. He was different as a teenager and as an early adult. I have always known he was different. People ask me how I knew it. It's just something I sensed and I felt. I did not know for many years what the difference was, but I did know he was different. Not better, not worse—only different. And he did not choose to be that way! He was only a small child!

We must never think of homosexuality as a chosen lifestyle. As many gays would like to say to you straights, “When did you choose to be straight?” No, we did not make that choice. Likewise, I do not honestly believe gays CHOOSE to be gay. It is a given! God created my son as he is; he did not select it. So if we have to “blame someone,” I say, “Blame God. God created him. God created us all. Therefore, blame God if you must blame someone!”

Lots of good people say that you, the State, must preserve the sanctity, or the sacredness, of marriage. However, the word sacred means “That which is holy.” If we use the State, that is, the civil government, to try and keep marriage sacred or holy, is that really what we want? That becomes a State sponsored religious situation.

So, do we really want the State to dole out religion contracts?

Marriage originally was an agreement that men used to protect their property so it might pass down to their legal descendants. The church added the dimension of the sanctity, or sacredness, of marriage. Do we really want the State to tell us who we can marry and who we cannot?

Some civil governments have tried to do that in the past, with disastrous results. At one time the State declared that blacks could not marry whites! The State maintained that Jews could not marry Christians. The State declared that atheists could not marry "believers."

Now, thank God, those laws have all passed into oblivion as a bad dream of history. I honestly do not think any reasonable person would want a repeat of that terrible part of our nation's history.

In the Bible there is a statement that many use to deny gays human fulfillment. It says, "Man shall not lie down with another man." Yet it also says that if a man—always it's about men—if a man works on the Sabbath he shall be put to death. Think of that when you eat out next Sunday. The Bible also says that a man shall not travel more than 1,000 paces from his home on the Sabbath. Think of that next Sunday while you drive out to the nursing home to see your mother. The Bible also states that if you eat pig, that is pork, bacon, sausage, ham, your toes might curl up and fall off. What did you all have for breakfast this morning? But it is all in the Bible!

All that I am saying is that it is not fair to the Bible to pick and choose a few words here and there in trying to support an evil, mean-spirited attitude of denying to gays and lesbians what God has intended for all his children—love, tenderness, caring, commitment, and marriage.

I honestly believe that all the gays ask for are the same rights to express love, affection, and commitment in marriage as many of you do. I ask, what is so terrible about that? Why cannot they marry and have children and have lover's quarrels and lover's spats, and get angry at each other? Why do straights want to hoard all that only for themselves?

As my wife states, "Every person ought to be married! Every person!" She says that if she has to be miserable, why should any other person not be!

That, my friends, is all that gays and lesbians are asking. Why are we so cruel to refuse them the same rights to be human—to love, to care for each other, to express affection, to commit themselves to each other in a permanent, monogamous marriage relationship!!

VOTE NO SCR 1601
"PROTECT OUR CHILDREN"

"From the day of our Founding, we have proclaimed that every man and woman on this earth has rights, and dignity, and matchless value . . ." – George W. Bush, *Second Inaugural Address*. January 20, 2005.

Good afternoon. Thank you for the opportunity to testify today. My name is Bill Dunn.

My partner, Shaun Morse and I have been a couple since December 1st, 1990. Our relationship began soon after we met at St Paul's United Methodist Church in Wichita. We are both native Wichitans but after 30 years in Kansas, educational opportunities took us to California. In California, we became foster parents. We fostered fifteen children in five years, specializing in special needs and medically



fragile children. Over time, we adopted three of our foster children: our sons Nathan (age 6), Haden (age 5) and Henry (age 2).

Nathan suffers severe developmental delays after being prenatally exposed to methamphetamines by his 15 year old birth mother. His 18 year old birth father has since remained serially incarcerated.

Haden was born exposed to heroin, cocaine and methadone by his birth mother. His mother has since lost four more children to the foster care system. Haden spent his first three weeks in the hospital on morphine for withdrawal pains. He was fragile for most of his infancy but through early intervention, he now possesses few adverse effects.

Henry started his life by being born in a toilet. Both his birth parents are schizophrenic and not one person in his extensive families wished to rear him. Although we offered continued contact with Henry's upper middle class extended birth family, they chose to remain uninvolved in his life.

William Dunn "Protect Our Children"

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I'm telling these stories so that you can get a picture of how our sons were affected by their birth families and how they came to be part of our family. Shaun and I chose to be their parents not because they were the cutest or easiest of our fifteen foster children, but because they were the ones who needed us the most.

We moved back to Wichita this year because Shaun's parents are seriously ill and we needed to be close for two reasons; so that we could better care for them and so that their grandsons could come to know them better. We did this even though we knew that the atmosphere in Kansas would be less friendly to our family. It would have been easy to selfishly stay in California where our rights are recognized and our family is not vilified.

In California, as registered domestic partners, we were afforded a plethora of civil protections which protected our family from the vagaries of life. In Kansas, we are trying to duplicate those protections with much trouble and at great expense, using up resources that previously were available for our children. Some of these protections are to:

- One, create a will so that the property and assets of one partner will pass to the other after death. *Without this, intestate succession will not guarantee any inheritance by the surviving partner.*
- Two, have durable powers of attorney agreements created for legal and financial decisions. *Without this, our family finances would become severely damaged if one of us becomes incapacitated.*
- Three, complete a medical directive so each of us can make medical decisions for the incapacitated partner. *Without this, if one of us is injured and unconscious, the other has no say regarding medical treatment and long-term care.*
- Four, authorize a document outlining the right for each of us to visit the other if he becomes hospitalized. *Without this, we could be kept separated during a crucial and difficult time.*

- Five, find a way for one of us to maintain legal possession of our home in case of the other's death. *Without this, there is no right to survivorship and probate court will have to decide the disposition of our home.*
- Six, arrange decision making authority for each partner's funeral and the disposition of their remains. *Without this, I would have no say over my long-time partner's funeral, whether he is buried or cremated and whether an autopsy is performed.*

This is just a sampling of some of the protections our family needs to have. I am certain there are others that we cannot imagine or that can never be replicated. Opposite-sex couples receive all of these rights upon being married, with no forethought and just as a matter of course. This proposed legislation will put EVERY SINGLE ONE of these arrangements at risk.

In addition, we have some specific situations that require no extra legal attention but will immediately be put at risk if this amendment becomes part of our Constitution. Even though Shaun and I are both the legal parents of our children, each being listed on their birth certificates, we have been advised that this may be construed as being one of the "incidences of marriage" since joint adoption by same-sex couples does not exist in Kansas. Such a side effect of this amendment will put our children at immediate risk of becoming legal strangers to their two parents.

Also, when Shaun transferred his job with his company to their Wichita office, we retained my domestic partnership health benefits from California. Due to our children's special needs, it is necessary for me to be a stay at home parent without access to personal health insurance. We would never have considered a move to any state, including our birthplace, if it endangered these benefits. Now, this proposed amendment has the power to rescind these health benefits to the detriment of our family, even if

Shaun's employer wishes to continue providing them. In order to remain a citizen of Kansas, I would have to turn to the state for my health services.

I respectfully offer this testimony so that this committee might understand the ruin that can be wrought on same-sex couples if this amendment comes to fruition. My hope is that my words today might help convince you that, as fellow Kansans, Shaun and I also possess moral character and family values. As fellow Kansans, I also firmly believe that our Constitution rightfully belongs to my family too and should not be rewritten to reflect one religious viewpoint. As a realist, I understand that if this amendment is offered to the electorate, it will pass overwhelmingly. But as an idealist, I see the Legislature as more than a rubber stamp for the electorate, instead as a body invested with the responsibilities of leadership and education.

Please listen carefully to the concerns being conveyed on behalf of those of us in the minority. A vote in favor of this amendment will injure the gay and lesbian citizens of Kansas and make us second class citizens. Our families will still exist, but without the same protections enjoyed by Kansas' non-gay population. We will still contribute our special gifts to our communities, yet with the realization that we are not considered full citizens in the laws of our beloved state. We will still be here, but without a doubt we will know that most of our neighbors hold us in contempt. And sadly, putting us in our place is the unspoken intent of many proponents of this amendment. The passage of this amendment will be engraving, "We're better than you" into our state constitution.

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TESTIMONY IN OPPOSITION TO S.C.R. 1601, THE ANTI-HUMAN RIGHTS BILL

Presented to the House Committee on Federal and State Affairs January 26, 2005

By J.L. Cleland, Hoyt, Kansas

Yesterday I listened to so-called religious leaders spew out propaganda that is just about as anti-Christian as can be imagined!

Jesus would be appalled if he could have listened to their bigoted rhetoric, misleading statements, and outright lies. Jesus was all about love and acceptance and tolerance and truth. And he was not afraid to oppose wrongful treatment of the downtrodden.

One of those so-called men of God even told you that being gay is only about sex. How ignorant! Maybe he just doesn't know any gay couples in committed, long-term relationships. Our relationships, like yours, are about the true Christ-like principles I just mentioned—love, commitment, caring, and stable families.

This is a religious belief issue. There is no civil justification for denying rights to consenting adult couples. Such an amendment blurs the division between church and state. It is absurd and insulting to liken such relationships to bestiality, pedophilia, and polygamy.

This issue is not about sanctity of marriage at all. If it was, you would be addressing the 65% divorce rate, the thoughtless, throw-away marriages, and the tremendous number of single-parent births, instead of impeding long-term, stable gay relationships. Gay couples have absolutely no effect on your, or anyone else's marriage or family.

What this issue is really about is a power play by the religious right in their continued attempt to hijack our G.O.P., the party that used to believe in staying out of people's private lives. The frantic rush to pass this legislation now is, they know that if it is postponed a year or two or three, as Americans and Kansans get used to the idea of same-sex couples, their fiery rhetoric will lose all meaning—and they will lose their cherished cash cow—and the votes that accompany it.

It is in the interest of the state to foster stable, healthy families, and statistics, contrary to what you heard yesterday, overwhelmingly show that children being reared in homes with two same-sex parents are just as stable and normal as children being reared in heterosexual homes. It is children from broken and single-parent homes that suffer and are most prone to develop problems.

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January 25, 2005

The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee
The Honorable Federal and State Committee Members

Honorable committee members:

I would like to begin this testimony by taking a moment to give a human face to who I am and why this legislation before you affects me.

Who am I:

I was born 48 years ago in the village of Axtell in Marshall County. My father was the son of German immigrant farmers, the middle child of 14 and the first to graduate from high school. My mother was "war bride" from Kentucky. Her family roots going back to the very founding of our nation and the Scott-Irish colonists who settled the Appalachian Hills. My mother knew poverty first hand, having seen a sister die of starvation during the Great Depression.

I grew up in Beattie. I attended a two-room Catholic elementary school for my first 7 years of education and then, following its closing in 1970, attended and graduated from Marysville High School. Throughout my childhood I knew I was different. I realized what that I was "different" early on but it was not until high school I could put a name on what that difference was. Reading the stipe definitions in Webster's Dictionary I discovered the meaning of the words I was being called in the hallways: homo, faggot, fairy, sissy. These words hurt as they were spit out of the mouths of my peers who I believe had little understanding of their meaning other than they were to be used for individuals who did not conform.

My childhood I also provided with a set of values I still live with today. My mother had no formal education, however she was a wise woman. Our first television was brought into our home so that we could see the horrors White Americans were doing in the name of God to African Americans in the South. As children, my sisters and I saw every televised speech given my Martin Luther King Jr. Our mother would repeat his words to us and through them taught us that all people deserve respect regardless of their race or social class: The first commandment in my home was: Do unto others as you would have them do unto you.

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My parents taught me to value education, to seek out answers through exploration, and never accept anything at face value. In the social upheaval of the late 60s, my religious upbringing dictated that I seek justice for all people and work for peace. These are the core values by which I live my life.

Why I left Kansas

I left Kansas in 1976. I had no intention of ever returning to my birth state. I was tired of the close minds and judgmental self-righteousness. Continuing to abide by the values taught to me in my religious leaders and my parents, I left Kansas to work as a volunteer in northeast Georgia teaching literacy skills to African American children who still live in segregation from their white classmates a decade after the civil rights movement.

I complete college in Ohio with a triple major in history, psychology and theology. The years following graduation were personally very turbulent years as I came to grips with my sexuality. Through my study of the New Testament I came to understand God not as a Deity of judgment and wrath, but rather as a being which inspired, loved, and blessed humanity. Jesus' message was clear to me - love thy neighbor as they self, avoid money, serve those less fortunate. The intolerance shown by society and many religious leaders for those who were different because of their culture, race, disability, or sexual orientation, was a perversion of the message of Jesus of Nazareth.

In 1982, thoroughly disgusted with the direction our nation was taking under the Reagan administration with its emphasis on greed and thinking only of one's self, I left the US and spent the next 17 years working in Europe as an educator. I complete both British and US advanced degrees with graduate studies at Cambridge University, Teachers College, Columbia University; and Framingham State College in Massachusetts. I am currently working on my dissertation for a PhD in Curriculum and Instruction.

Why I came back

In 1994, my mother was diagnosed with ovarian cancer at the age of 75. For the next three years I would shuttle back and forth between Europe and the US until her death in 1997. After which I knew I had to return to Kansas to be close to my father. I gave up a tenured position with the University of Naples, and moved back to Kansas in 1998, leaving behind friends and a life I had spent 16 years building.

I hear a lot of talk about "family values" from those who wish to write discrimination into our state's constitution through the proposed constitution amendment you are considering. I wonder how many of those people who say all sorts of evil things about me, even know the first thing about me or the life I live. Both of my parents died in my arms, giving back to them in the embrace of love they had given to me my whole life. I came out to my parents in 1980. If my parents were alive today, they would both be standing here with me asking how you can even consider such a vile piece of legislation.

This Legislation:

The proponents of this legislation say that gay and lesbian people are not a minority. All credible research - that is research conducted following the protocols for scientific study - shows that people who are gay or lesbian had no choice in their sexual orientation.

Sexual orientation IS NOT A CHOICE! Brain-based research has provided us with new understanding the human condition, and that research consistently shows that sexual orientation is not a choice. With Executive Order 13087 (enclosed) in 1998, sexual orientation has been included in Federal Government's policy that prohibits discrimination in employment. However, gay and lesbian Kansans are not afforded the same rights as others and have little voice in the political process that affects their lives. This clearly meets the definition of a "minority". The proponents of this amendment are seeking the unprecedented act of singling out a specific group of people for discrimination in the constitution.

Putting this amendment to a "popular vote"

Screaming "democracy" the proponents of this legislation are demanding that the citizens of Kansas be allow to decide this issue. We do not live in a **true democracy** where every issue is put up for a vote for all to decide - how many of you would like the citizenry to decide your salary by popular vote?? Rather we live in a Republic where elected officials are called upon to make decisions for the **good of the whole**. It is **inappropriate** to put minority rights to a majority vote. To do so is to capitulate your responsibility in my opinion.

Throughout our nation's history we have recognized the inappropriateness of putting minority rights up for a popular vote: civil rights in the 1960s, women's right to vote, interracial marriage, disability rights, etc...have ALL been decided by legislative action. Do you really think Southern states would have voted to end segregation? It is the responsibility of the elected representatives to protect the weak from the strong, the few from the many. Have the images of Selma, Birmingham, burning crosses or the lynching of 1,000s of African Americans by "God fearing" Whites gone from your minds? That hate and bigotry is one in the same that today is being thrown against YOUR gay and lesbian constituents.

Activist Judges:

Another argument used by the proponents of this discriminatory legislation is to talk about "activist judges" who overreach to rule in favor of equal rights for gay people, they're misleading the American people. "Activist judge" is nothing more than a label used to smear a judge who takes the Constitution and fairness seriously rather than ruling in favor of the right-wing agenda.

As a supplement, I have provided you with a brief summary produced by Lambda Legal which discusses some of the important court victories they have won in front of judges of all political affiliations and backgrounds for more than 30 years. These courts are just doing their job, which is **upholding people's civil rights** from an attack by undemocratic

anti-American religious fundamentalists. Now, in an effort to mislead the public and fuel support for extremist attempts to write discrimination into our Constitution, these fundamentalists are attacking judges for doing what courts have been asked to do for more than 200 years. (See Supplement 2).

As you read through this overview of six "activists" judges the Right has denounced, I hope you note that all of them are considered by their colleagues to be conservatives. It's time to replace rhetoric with reality. These six judges from all parts of the country who are behind some of the legal developments that the Right claims represent a "grave danger" to the country. They're upholding the Constitution's clear guarantee of equality. They're anything but "activist judges."

Separation of Church and State:

Today many on the Right rattle on and on saying that the United States was founded as a "Christian nation." Obviously they do not understand that most, if not all, of the founders - Jefferson, Washington, Adams, Franklin - were Deists belonging to the Unitarian movement of Congregationalism. Jefferson, the author along with James Madison of *The Virginia Statute on Religious Liberty*, the forerunner of the freedom of religion provisions in our Bill of Rights, once stated: "Our civil rights have no dependence on our religious opinions, any more than our opinions in physics and geometry."

The Virginia Statute of Religious Liberty begins by stating that "Almighty God hath created the mind free," and attempts to influence others in religious matters by using the force of government "tend only to beget habits of hypocrisy and meanness." Further, claimed Jefferson, laws based on religious beliefs are not just a civil injustice, but "a departure from the plan of the Holy author of our religion." After all, if God wanted to physically punish people for not obeying the precepts of a certain religion, He could, because it "was in his Almighty power to do."

If the government wants to protect the institution of marriage, then this amendment is NOT how to go about it. I agree that FAMILIES are under attack from political, religious, and economic interests that wish to see the quality of life they have enjoyed in our nation since the social and economic reforms of the Roosevelt era done away with. I lay this attempt directly on the feet of social conservatives. What the government needs to do is act to ensure that **all people** - regardless of sexual orientation - entering into marriage/civil union have a **living wage** for a salary that maintain them above poverty, enjoys the **benefits of health insurance**, and have **access to affordable housing, good schools, child care, and adequate time off** from their jobs to fully care for their families. All of these support mechanisms are currently greatly lacking in US society and in the State of Kansas. Every dollar spent on this immoral legislation is depriving families from thriving and taking attention away from the real issues. (For a complete summary of the rights same-sex couples are denied See: United States General Accounting Office Report B-275860, downloadable at <http://www.gao.gov/archive/1997/og97016.pdf>)

The opposition also attacks gay and lesbian families because they claim that gay and lesbian couples produce "gay" children. If such logic is true, then wouldn't the reverse also be true: that heterosexual parents would only raise heterosexual children? I am living proof that such logic is false. Sexual orientation, based on the research I have read, is approximately 8 - 12% homosexual and 88% - 92% heterosexual. Factors such as parental disapproval and religious induced guilt do affect to some degree how a person comes to accept this sexual orientation.

The children I have know, who were raised by lesbian or gay parents, all have grown up relatively healthy. The only difference I have noticed, and considering I have worked in education since 1978, I do have some accumulated knowledge of children, is that they are more resilient; they have a broader array of coping skills - created without a doubt by the verbal abuse most of them have to face in the hallways of our schools and from ill-guided teachers; and they are more tolerant than most heterosexual raised children. They are no more likely to be gay or lesbian than children raised in heterosexual households, no matter how much the fundamentalist claim otherwise.

Conclusion:

SCR 1601 is bad legislation. It is an attempt by a minority within the Christian tradition to impose their fanatical religious views on secular society. This legislation is born forth from fear. Fear of the unknown and fear of our changing society. While I can understand where that fear originates, I cannot condone it and ask that you do not condone it either.

Gandhi once said that we will only have peace in our world when we know the "stranger." Gays and lesbians are strangers to the broader society, just as the African American, Native Americans, Asian Americans and Hispanics still are to most of the White, middle class, society that makes up the majority of the people who support this legislation. Today we also fear those who are of the Muslim faith; we fear those who are different from ourselves. If this legislation passes the House, who will be the next group to be legislated against? Because people controlled by fear will not stop until they have imposed their fear on all. This is not acceptable.

If this Committee is to recommend anything, then it should recommend the creation of civil unions in our state which bears the exact rights and responsibilities for same-sex couples so that their families are protected from ignorance and hate.

Civil Marriage is a CIVIL right. Civil marriage is NOT religious marriage. The government has no right to impose religious ideology on the citizenry in this country, which SCR1601 does. Please vote against this legislation.

Supplement 1

EXECUTIVE ORDER 13087

FURTHER AMENDMENT TO EXECUTIVE ORDER 11478, EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

By the authority vested in me as President by the Constitution and the laws of the United States, and in order to provide for a uniform policy for the Federal Government to prohibit discrimination based on sexual orientation, it is hereby ordered that Executive Order 11478, as amended, is further amended as follows:

Section 1. The first sentence of section 1 is amended by substituting "age, or sexual orientation" for "or age".

Sec. 2. The second sentence of section 1 is amended by striking the period and adding at the end of the sentence ", to the extent permitted by law."

WILLIAM J. CLINTON

THE WHITE HOUSE,
May 28, 1998.

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Supplement 2 - "Activist Judges"

Produced by: Lambda Legal, March 2, 2004. Contact: Lisa Hardaway; 212-809-8585 x266; lhardaway@lambdalegal.org.

Judge David O. Carter

Judge Carter is a federal judge in heavily conservative Orange County, California. He was born in 1944 and has been a judge since 1981. For years, he taught courses at several colleges for people learning to be judges. He previously served as an Assistant District Attorney in Orange County. During the Vietnam War, Carter served in the U.S. Marine Corps and was wounded in combat. He received a Purple Heart and a Bronze Star, and he remains a member of the Veterans of Foreign Wars, the American Legion, Disabled Vietnam Veterans and Survivors of the Khe Sanh. Carter serves on the Board of Directors of several local children's charities. He has won numerous awards, including Judge of the Year from the Narcotics Officers Association, Patriot of the Year in Laguna Beach and the Mayor's Exceptional Citizen's Award in Santa Ana. As a judge, Carter has issued a number of conservative rulings, including one that ordered a city to cover the cost of a religious group's use of public property for a National Day of Prayer if it also covered costs of civic events by other groups.

In 2000, Carter issued an injunction requiring public school officials to allow a Gay-Straight Alliance student club to meet on campus because it allowed other non-curriculum-related groups to meet. Right-wing groups protested outside the school regularly and spoke out against the ruling, even though Carter was following clear law on equal access for groups in schools.

Justice Anthony M. Kennedy

Justice Kennedy has served on the U.S. Supreme Court since 1988. He was appointed to the court by President Ronald Reagan. Kennedy was born in 1936 and grew up in Sacramento, California. He worked as an attorney for several years before taking over his father's law firm after the elder Kennedy's death. He also worked a lobbyist for several corporations and campaigned to pass a conservative fiscal initiative on the state ballot. Kennedy taught constitutional law for more than 20 years. After becoming close to then-Governor Ronald Reagan's inner circle, he was appointed to a federal appeals court by Republican President Gerald Ford in 1975. Kennedy built a record and a reputation as a conservative leader on the heavily liberal federal appeals court in California. In 1988, Reagan nominated him to the U.S. Supreme Court, and he won unanimous confirmation in the U.S. Senate.

In 2003, Kennedy wrote the majority opinion in a landmark U.S. Supreme Court decision that struck down state laws making it a crime for gay people to have sex. Four of the six justices who voted to strike down the law were appointed by Republican presidents. Right-wing groups protested the decision and regularly invoke it as an example of

"activist courts" simply because the ruling put basic fairness ahead of an antigay political agenda.

Justice John P. Dunne

Justice Dunne is a state court judge in Long Island, New York. He was born in 1930 and has been a local judge since 1990. He was elected first as a county judge and later as a state judge as a nominee of the Republican Party and the Conservative Party. Dunne served in the Korean War from 1952-53. He was wounded in combat and received a Purple Heart. Dunne remains a member of the Grey Beards, a group of Korean War Veterans. He attended Georgetown Law School and worked as a private attorney in Long Island for decades. For several years in the 1980s, Dunne earned a living as a town Republican leader, a post that made him chairman of the local Republican Party. During his service on the bench, Dunne has handled a number of criminal cases and built a reputation as a hardworking judge willing to hold conferences over lunch or at night in order to expedite cases.

In 2003, Dunne ruled that a gay man could sue a hospital for the wrongful death of his late partner; it was the first case in the nation that respected a couple with a civil union from Vermont as "spouses." Right-wing groups denounced the decision and used it as another example of "activist judges" despite Dunne's conservative political background and the fact that he was following clear New York law about respecting relationships that are legally documented in other states.

Justice Judith A. Cowin

Justice Cowin has served on the Massachusetts state high court since 1999. She was appointed by Republican Governor A. Paul Cellucci. Cowin was born in 1942 and grew up in Massachusetts. After earning her law degree at Harvard, she did legal work for the state's mental health department. For several years, Cowin worked as a county prosecutor and won nearly every case she tried. Through the 1990s, she was a Superior Court judge, before being appointed to the state's highest court. Cowin has a reputation as a tough judge, and the Boston Globe calls her "one of the court's more conservative voices." In a dissenting opinion in a recent case, she accused other judges on the high court of ignoring the law to reach the outcome they wanted.

In 2003 and again in 2004, Cowin joined other judges on the state's high court in a historic ruling that same-sex couples must be allowed to marry. Of the court's seven justices hearing the case, six were appointed by Republican governors. President Bush, other politicians and right-wing groups nationwide have denounced the ruling as the work of "a few activist judges," even though the judges simply fulfilled their duty to interpret the Massachusetts Constitution to provide equal treatment for gay people.

Judge Boyce F. Martin

Judge Martin serves on the federal appeals court in Louisville, Kentucky. He was born in 1935 and earned his law degree at the University of Virginia. Martin was a federal prosecutor in Kentucky, and then a county prosecutor, for several years in the 1960s and 70s. He taught constitutional law at the University of Louisville. Martin became a judge in county courts in 1974 and worked his way up to the state appeals court. In the 1970s, he was appointed a federal judge. Martin has issued numerous conservative rulings against criminal defendants and was honored by the Kentucky Council on Crime and Delinquency. Martin is a former Board Member of the Old Kentucky Home Council of the Boy Scouts of America. He served as a Vestry Member at St. Francis in the Field Church in Harrods Creek, Kentucky, for several years. He has been appointed to numerous state government councils in Kentucky and sits on several judicial committees.

In 1998, Martin refused to join a court ruling, lauded by right-wing groups, that upheld an extreme antigay law in Cincinnati.

Justice Jim Hannah

Justice Hannah is an Associate Justice on the Arkansas State Supreme Court. He was elected to an eight-year term on the court in 2000. Hannah was born in 1947. He earned an accounting degree and later a law degree at the University of Arkansas. Hannah previously served for 22 years as a local chancellor and earlier worked as a juvenile court judge, a prosecutor and a private lawyer. He was a faculty advisor at the National Judicial College and is a past member of the American Judges Association. He is an Elder (and a former Deacon, Elder, Trustee & Clerk of the Session) in the Presbyterian Church of Searcy, Arkansas. He has written a variety of conservative legal decisions, both in criminal and constitutional law. He is a former Little League baseball coach who also cofounded and chairs a Kiwanis Little League baseball team.

In 2002, Hannah joined a unanimous Arkansas Supreme Court ruling that struck down a law making it a crime for gay people to have sex. Because the case was brought by lesbian and gay citizens, right-wing groups criticized the ruling as the work of "activist judges," despite the fact that dozens of states had already struck down similar laws because they so clearly violated basic constitutional rights.

"The only thing we have to fear is fear itself." Franklin D. Roosevelt. People's want to ban something usually stems from lack of understanding and lack of knowledge resulting in fear. I believe the core of this proposition is based in fear. Fear of the unknown and fear of tremendous change. I also believe that one reason this issue is so emotional is because it involves sex, which in itself is a sensitive, taboo subject. But to suggest that alternative sexual lifestyles are acceptable is too much for a lot of Americans to accept. Sex is one subject with which everyone can identify. Any type of discussion about it hits close to home with everyone, resulting in some people feeling personally threatened. Usually these people do not have accurate knowledge about alternative lifestyles nor do they understand it. Of course, this results in reactions of fear, such as hatred and extreme actions to eliminate the cause of the fear.

Throughout history, groups of people have been hated for being different. Many times people have been chastised just for personal choices. A trivial example is rock n roll. It was banned in many areas when it first came out because people didn't understand it. More significant examples are religions. In ancient times and today, people have been chastised for their religious choice. They were discriminated against because other people did not understand them.

I know you've all heard the contention that this issue is exactly like the discrimination issues of our past. Some say you can't compare gay rights to minority rights, because minorities are born that way and can't choose who they are. However, I'm sure you have all heard that biology can play a role in sexuality. Just one example is in an article from the Annals of the New York Academy of Sciences in 2003. It tells us "...the determinants of the direction of sexual interest, in the sense of preferences for the same or opposite sex, are earlier [than puberty]. These preferences..., appear to be caused by the neural organizational effects of intrauterine hormonal events." Therefore, it may well be said that this proposal is discrimination.

Thousands of years ago, when survival was uncertain and life-spans were short, it was necessary for a man and woman to have as many children as they could. Procreation was essential, so that the probability of a few of those children surviving to help support the family was increased. That is one reason why any situation but a man and woman being together was opposed. The world is a very different place from that era. Concerns such as those have disappeared. We should change with our changing world. Homosexuality has been in existence as long as history. And homosexual people have been oppressed and abused that long. Stories abound of beatings and killings of people just because they were gay. Just thinking about them makes me shutter.

There is no evidence to say homosexuals have harmed someone else's marriage or family life. Being around a gay person will not be a "bad influence" on children. In a release from the Associated Press, April 4, 1997, WASHINGTON - "Children born to lesbian couples... are emotionally healthy and well-adjusted, according to three studies..." The claim that the sanctity of marriage needs protecting is unfounded. If Joe and Tom move into a house together, everyone sees them and knows they are gay. What difference for everyone does it make if they have a marriage license? With the problems of divorce rate at 50%, domestic abuse and nothing being done by governments to remedy them, talking about keeping the sanctity of marriage seems hypocritical. Usually, stereotypes of homosexuals being flamboyant or sexually explicit, rule people's judgment. But it is just that, a stereotype. It would be like saying the stereotype that all mid-westerners are uneducated "hicks" is true. That is an idea that I'm sure everyone here has fought to counter.

A constitution outlaws dangers such as theft and murder. Homosexuality is not only telling them that they can't be officially recognized as a couple. act of being homosexual, of being who they are, is classified with criminal acts

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The issue of marriage licenses is a matter for the state. There is separation of church and state, and that should be maintained in dealing with this issue. The constitution guarantees equal rights for all law abiding citizens. Simply being homosexual does not take one out of this category, therefore you should uphold this guarantee for them. Speaking of government, how many gays have served in the military and also died? If one gives one's life for their country, does it matter if he is gay? Or, how could you tell if someone in the emergency crew who rescues you from an accident, or the hospital staff who saves your life is gay? And would it matter? It shouldn't matter for this issue either.

When making your decision on this issue, I hope the words of Franklin D. Roosevelt resonate in your thoughts; "The only thing we have to fear is fear itself."

Thank you for your time,
Julie Ward
Topolna.

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 where 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 SCR 1601 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 it. No matter what, we will remain Kansans, and we will remain committed to each other.

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I, Rev. Michael Lee Nelson, come before you today as parish minister for the Manhattan, Kansas Unitarian Universalist Fellowship, and as an individual who has deep roots in Kansas. Four generations of my family are buried in the Lindsborg, Kansas cemetery. I represent the sixth of seven generations that have been nourished by Kansas soil. My undergraduate degree is from the University of Kansas. So you can see I do not come before you as a stranger to this land and its people.

Kansas during the Civil War was a free territory where much blood was shed to keep slavery from being legal on this land, for this people, despite the fact that few in Kansas were slaves. Today I stand before you asking you to do what you can to keep this state free and safe for all its people, not just for those who have a larger voice and more power.

Martin Luther King Jr. said in his letter from a Birmingham Jail, "We know through painful experience that freedom is never voluntarily given by the oppressor." The constitutional amendment banning same-sex marriage that you are considering is not based on love and its expansion, but rather is fueled by fear and its dictator hate. At a time when this country becomes increasingly divided over many cultural, political, economic, religious and political issues we need our leaders to rise to an elevated place of vision that perceives what will bring people together, and not what fractures, and splinters the population into warring factions. This requires an openness to the truths of history which show us time and time again how one group of oppressed people after another have had to struggle for the freedom to be treated as equals. This requires an openness to the facts about homosexuality. A man or woman is not made gay by social forces, they are born gay or lesbian. The cultural pressure to deny this truth has caused more suffering and deaths than you may realize. Fear of being identified as a fag or queer or a dyke is one of the leading causes of teenage suicide. The incidents of chronic depression many gays and lesbians and transgendered people experience because of being ostracized from their families and communities due to their sexual orientation is incalculable. This proposed amendment banning same-sex marriage only fortifies the forces which provoke suicide and chronic depression.

This last Saturday night I had the privilege of marrying a couple who have known each other since highschool. Sean and Dana waited until they were thirty before taking the sacred vows which unite them in marriage. When Dana said "I take you Sean to be my husband, to have and to hold, from this day forward, for better for worse, for richer for poorer, in

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sickness and in health, to love and to cherish, till death shall part us." I knew in my heart, mind and spirit that for the last twenty-one years of my partnership with Charles I have loved and cherished him, I've been devoted to him through sickness and health, through the lean times and those in which we have prospered and will continue to do so till death do us part. If love is central to Christianity and other world religions, why then would a relationship such as the one I have with Charles be of any less value than the relationship my mother and father have had with one another for 53 years? What should have more power than love? Why should my mother when she sits in the beauty parlor every Friday morning or at her weekly gathering of ladies to play cards feel like she can't share her joy of having Charles for a son-in-law. My father a humble man, who is a World War II veteran and ace mechanic, loves Charles as a second son. Why would the state assume a vested interest in denouncing the supremacy of this love and replace it with the kind of exclusivity that kept Jewish people from joining country clubs and out of new sub-divisions in Johnson County. How does this love between two people harm the institution of marriage or threaten the bonds of any family that has a deep and enduring foundation of love? Those who are against same-sex marriage need a deep and abiding love that transcends differences which allows them to be in communion with their fellow citizens and with God.

Mahatma Ghandi said, "An unjust law is itself a species of violence." Pass this law and you will foster more violence in a world which desperately needs peace. Please, as leaders of this fair, free state practice love and not hate. As have the members of the Manhattan Unitarian Universalist Fellowship look deep within yourselves, past ignorance and fear and find that place of love that courageously takes the high road to a more noble justice and its peace.

Dear Members of the Committee:

I ask you to vote "NO" on the proposed state constitutional amendment to narrowly define marriage. It is true that this issue is important to me, but not because it would affect my life directly. In fact, it would not. I am speaking with you today because of a woman I know who has been very directly affected by the fact that she could not marry the person she loved. Several years ago, my friend's long-term relationship with her partner ended with her being thrown out of her home of five years. I spent the next several days talking her out of committing suicide. After the crisis had passed, I asked my friend if this relationship might have survived had they had been able to enjoy the benefits of marriage. She thought that it would have. Perhaps she was correct in thinking this, perhaps not. But marriage simply was not an option that she and her partner had available to them. In the eyes of current law, they would never be more than two unrelated people who happen to share a dwelling. This is not right.

I realize that marriage is already narrowly defined by state statute. However, placing a similar restriction in the state constitution would enshrine that definition, and make it much more difficult for the people of Kansas and their elected representatives to repeal at a later date. And the section of the proposed amendment that would forbid the use of contract law for civil unions would place a great burden on those Kansans who might use such arrangements to provide support for one another.

Please vote "NO" on this proposed amendment to the Constitution of Kansas.

Sincerely,



Michael W. Lambert
800 Ratone Street
Manhattan, Kansas 66502

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Mr. Chairman and members of the Committee, thank you for allowing me to address you today.

I am here as the President of the Kansas Democratic Lesbian, Gay, Bisexual, and Transgendered Caucus, but this is not a partisan issue. We all know that there are supporters and opponents of this amendment in both Parties.

I am sure that you will hear or have heard many of the talking points that are being used by the opponents of this amendment.

I want to keep my testimony brief to allow more people to have the chance to speak, so I won't be addressing those talking points.

What I do want to do is to talk about the possible ramifications of this proposed amendment. I want to address how this amendment could impact the lesbian and gay community of Kansas.

I was in a relationship that lasted almost twelve years. It ended when my partner died of AIDS in 1993.

One of the first calls we made after Bob was diagnosed was to a friend who was a lawyer. We knew that we needed legal advice because Bob wanted to insure that I would have some of the 'rights and incidents' that married couples have. He wanted to make sure that I would be protected, even after his death. Since Bob had no will, we had one written. Otherwise, everything he had, including the house that we had shared for all of the years that we were together, would have gone to his father, as surviving next of kin. Married couples get that right by virtue of a marriage license.

The next document that was written was a power of attorney so that I could act on Bob's behalf when he became too sick to make decisions for himself. Married couples get that right by virtue of a marriage license.

Another legal document gave me visitation rights, the right to discuss his condition with medical staff, and the right to make medical decisions when he was unable to make decisions for himself. Married couples get those rights by virtue of a marriage license.

We needed to contact Bob's insurance companies and his union benefits office to change the beneficiary of his policies so that I would be his beneficiary. Married couples get those rights by virtue of a marriage license.

By the time we were finished, we had an estimated \$10,000 worth of legal work completed. We were lucky. Our friend provided all of his time pro bono.

Today, gay and lesbian couples are being forced to pay attorneys to have documents prepared to protect themselves and each other in case of sickness and death. Powers of Attorney, wills, living wills, inheritance issues, visitation issues, child custody issues, and all other similar issues have to be handled with the assistance of a lawyer. Married couples get those rights by virtue of a marriage license.

I am not here today to ask you to provide gay and lesbian couples the 'rights and incidents' of marriage.

What I am here to ask is that you not send SCR 1601 to the House with the same language that it had when it came to this committee.

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It may be years before any discussion of giving the 'rights and incidents' of marriage to gay and lesbians comes to the floor of the Kansas legislature. It may be years before gay and lesbian couples in Kansas are given those 'rights and incidents'. But, polls have shown that every year more and more people are understanding and accepting the idea that gay and lesbian couples deserve to be treated with the same 'rights and incidents' as heterosexual couples. Sooner or later this discussion will need to be heard on the floor of the Kansas legislature. SCR 1601 not only defines marriage, but in its original language, will make any future discussions of providing civil unions, recognizing domestic partnerships, or any 'relationship, other than a marriage' impossible.

This amendment is meant to affect the lives of the gay and lesbian citizens in Kansas, for now and forever.

What right does the current legislature have to forbid gay and lesbian couples one, five, ten, or fifty years from now from being treated as equal to married couples?

This is not the time, and the Kansas Constitution is definitely not the place, to codify one group's views and attitudes toward a segment of the population when it affects what could or could not happen in years to come.

I find it interesting that the same arguments used today against recognizing gay and lesbian relationships were used over 40 years ago against the idea of interracial marriage.

What would have happened, and where would Kansas be today, if a group of people who were against such a thing had been able to bring a constitutional amendment to the voters?

Sounds ridiculous in 2005, doesn't it?

But, can anyone here today guarantee that 40 years from now SCR 1601, in its original language, won't be viewed as just as ridiculous?

SCR 1601 doesn't provide a clear explanation of what specific ramifications it will have on the citizens of Kansas the day after it is passed. The courts will have to decide what is and what is not included.

Do you, as the elected representatives of all of your constituents, both homosexual and heterosexual, want to take the chance that there is something in SCR 1601 that you will regret passing?

What can you do to prevent this?

I am asking that you keep the door open for future discussions of the recognition of gay and lesbian relationships.

I am asking that you give the legislators yet to come the opportunity to decide the issues yet to come.

I am asking that you remove the proposed Section 16, B from the amendment before you send it to the floor of the House.



Re: House hearing on SCR 1601
January 26, 2005

I'm Pete Cohen. For the past 43 years my wife and I have lived on a small farm near Alta Vista. We're now both retired teachers, and we both thank you for this opportunity.

I would like to focus on two aspects, one concerning the core proposition imbedded in the resolution, and one regarding the resolution itself.

As I read it, the intent is to set in concrete the barring of certain citizens from the opportunity to participate in a bundle of responsibilities and benefits, simply on the basis of a gender orientation. Even though the impetus for the ban is based only upon an interpretation, by some, of a tenet of a certain religion. Even though a significant number of citizens do not subscribe to the religion, and significant numbers of people within the religion do not subscribe to the interpretation. And even though, by the very language of the proposed amendment, a marriage contract, and by extension a civil union contract, is a civil contract, and thus it seems to me should be available to all citizen's equally.

Yet the proponents believe they have a right to require everyone to discriminate against certain people.

But as I understand things, in a democracy no right can exist unless there must also immediately exist a corresponding duty to act in accord with it. And I don't feel there should be any duty upon myself, or each of you, or upon anyone, to abide by an interpretation of a religion that one does not subscribe to.

*

Now as to the resolution. Before coming to Kansas, except for two years in the military, I lived through the decade of the 1950s in Laramie. I often had occasion to ride horseback through the same area, likely over the very spot, where Matthew Shepard was found beaten and dying. That murder hit home to me not the least because I could clearly picture the scene: the starlit hills one way, the lights of town downslope the other, the gritty earth and the fragrant sagebrush that silently witnessed, and heard his moans.

A couple years after Matthew Shepard's death a similar murder occurred in Cortez, Colorado, where an hispanic boy killed a Navajo boy, apparently with the same motivation. We happened to learn of it because we were passing through Cortez when there was a story in the local paper. Why that story did not become national I have to leave to your own speculation.

I think what I relate is germane here because prejudice will happen, we likely can't wholly prevent that. But we can and should work against it. And when discrimination has the consent of government, either by law or the absence of law, not only does it corrode the life of innocent people, but it all the more encourages prejudice which creates monsters, and victims will be found.

So I feel if you let this resolution succeed, you will be saying this: that a choice to let one group of citizens decree discrimination against another group of citizens is a legitimate choice, and will have this government's approval.

That will be like cutting off the limb of a tree, and saying to whichever of your neighbors it falls upon that they should, "Blame gravity".

We thank you now for your attention.

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Contact:

Rudy and Bonnie Cuevas
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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 between one man and one woman is currently the law in Kansas. The only reason this amendment is being brought up by religious bigots is to gay bash and discriminate against our gay children. Our family is Christian. I was a church secretary for 18 years and my husband and I taught religion. The religious misfits proposing this hateful amendment do not speak for all Christians in this state. They do speak for those Christians who use their religion as a weapon to discriminate and as a tool to grab for political power in this state.

These religious bigots grandstand on this issue, intimidate legislators and families like ours across this state while the real issues this state faces never get addressed, people losing good paying manufacturing jobs, our crisis in educational funding, health care, and on and on.

All of us most likely have one or more gay family members, and thousands and thousands of Kansans across this state are angry that a few religious bigots have been allowed to bully the legislature saying they are trying to get Kansas "right with God" when everyone knows their real agenda is political control by writing discrimination into our state constitution. If they can control our legislature on this issue you can be sure they will move forward on other discriminatory initiatives dismantling freedoms and blurring the lines between church and state. The freedom we have in this country to worship as we please or to not worship at all is one of the great freedoms our country affords its citizens. The religious bigots proposing this constitutional amendment must not be allowed to make their so-called religion the "state" religion by rewriting our state constitution.

You must look into your soul and accept your responsibility not to let a few religious bigots change our constitution to allow for the first time in our state, discrimination against a minority group, namely gay and lesbian people, to be written into our state Constitution.

Respectfully,

Rudy and Bonnie Cuevas

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 23

My name is Libby Schoeni. I have been married for more than 42 years, and my husband and I have raised and educated 3 children in the state of Kansas. We live in House District 16. First let me thank you for taking this bill off the fast track and having these hearings! I know this is a contentious issue, and I appreciate your thoughtful and thorough consideration of the matter!

I am here to encourage you to vote against SCR 1601. Please do NOT write discrimination into the Kansas State Constitution! I believe the Constitution is meant to protect rights, not take them away. We already have a law on the books which defines marriage, so I believe a constitutional amendment is totally unnecessary.

One thing I appreciate about our American Democracy is that historically we have been concerned with the rights of the minority--in other words, the majority doesn't necessarily get its way on every issue. This is one reason that I feel so strongly about writing discrimination into the Kansas Constitution. The constitution needs to protect the rights of ALL Kansans, not just the majority. America's commitment to freedom and diversity is very important to me!

Divorce and adultery seem to be much more of a threat to traditional marriage than legalized homosexual commitments! I see no way that the legalization of committed homosexual relationships could threaten my marriage or my children! Personally, I can't think of a better way to encourage faithful committed relationships among persons who happen to be gay or lesbian than to make marriage or civil unions legal. I also think that legalizing the possibility of committed relationships for persons who happen to be gay or lesbian might help decrease the spread of AIDS contracted from multiple sex partners.

I understand that pragmatically it may be important to put this issue to a vote now rather than have it affect another general election, though personally that feels like a cop out to me. If you decide that the Marriage Amendment must come to a vote now, PLEASE eliminate the language about civil unions!

I firmly am opposed to SCR 1601 and to any other attempt to write discrimination into the Kansas Constitution!

Thank you for your consideration of my remarks.

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 24

Testimony before
THE FEDERAL AND STATE AFFAIRS COMMITTEE
~~KANSAS HOUSE OF REPRESENTATIVES~~

January 26, 2005

On the Subject of

SENATE CONCURRENT RESOLUTION NO. 1601

A PROPOSITION to amend article 15 of the constitution of the state of Kansas by
adding a new section thereto, concerning marriage.

Submitted by:

John A. Robinson

Wichita Kansas

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 25

Mr. Edmonds, Members of the Committee, and Guests;

I have communicated some of my comments on the Gay Marriage Amendment by email to members of the Kansas House. I apologize that I was unable to confirm delivery of all the mail sent due to some technical problems with the email, and to those I missed sending to. I used the House Roster posted at the Legislatures web site, which was apparently not completely up to date at that time.

I have attached a copy of the email as a reference, but will not go through it in detail here.

THE MARRIAGE LICENSE IS A MATTER OF CIVIL LAW.

HOLY MATRIMONY IS THE EXCLUSIVE DOMAIN OF THE CHURCH.

I will repeat, from my earlier email, that when I was counseled on my pending marriage I was told that I should get a marriage license, but if I wanted to know anything about what it was for I should talk to a lawyer. The concern of my counselor was with the Sacraments of Holy Matrimony, and he made it clear that the civil marriage license had nothing to do with them. He also made it quite clear that our church considered the Sacraments the more important part of the deal, and that the civil authority had no business interfering with them. It was my impression that he, and others of my faith, considered it rather an improper intrusion of the civil authorities that a "marriage license" was even required.

Those who may have done any genealogical research, or have otherwise dug into old records, may have observed that records of births, deaths, and marriages until fairly recently were kept only by the churches. While the history isn't too clear, it appears that the civil registration of births, deaths, and marriages is a very recent thing, and may have originated in the United States. Fires, floods, and drifting populations may have been a part of the reason for civil registration and licensing; and of course there was the necessity for accurate records for collecting the taxes in a widely dispersed population. Clearly, in most times and places, holy matrimony was entirely a matter for the churches, and civil law was not involved.

The requirement for a license to marry is, or has been, offensive to some faiths, but serves a useful and necessary purpose for the public good.

CIVIL MARRIAGE

This proposed Amendment affirms that the license to marry is a civil transaction. As such, it has nothing to do with the sacraments of any church or with anyone's faith and belief. The marriage license serves the purpose of revealing, as a public record, that two persons have made a contract under which they agreed to act as one, in matters of civil law and property.

The civil marriage is, or should be, purely a business agreement. People who deal with you have the right to know if you're married, and the civil law at least implies that if you act married in one place you must act married in all places. As an example of the effect of civil marriage, if someone sells you something that is pledged as security for a loan, the seller has the right to know that you have a spouse who is a co-owner of the property and can sell it, with or without your permission. The lender has the right to secure the agreement of the spouse that the property will be held and protected as a recoverable asset until the loan has been paid. The lender has the right to know who owns the property that is pledged, and how that ownership is held.

The civil agreement to form a marriage of two persons says nothing about any obligation to have or not have sex, to have or not have children, to attend or not attend any church, or to always visit your granny and your spouse's favorite aunt at alternate holidays. It does imply that the parties to the contract grant to each other a complete and irrevocable power of attorney, so that either may take any action, in all matters affecting life, death, or property, and that both are bound by any such actions whether performed separately by either of them, or by them both together.

Should the civil marriage contract be ended, the only real and valid concern of the civil law is that an equitable division of property is made, and that all remaining obligations contracted by either or both of the parties are satisfied in a manner acceptable to them both and to others affected, and that others who may subsequently deal with them may know that their legal status has changed. This is not to say that ending such a contract is or should be easy. The contract assumed in civil marriage is intended to be perpetual, and the "form" doesn't have a clause about at-will changes in the terms. The obligations assumed, particularly in the case where the marriage has committed to raising children, may have very long duration. It is permissible that the community as a whole may have certain expectations of the married couple; and to the extent those expectations are enumerated in law and have a necessary basis, they may be enforced.

CIVIL MARRIAGE AND THE CHURCH

There is nothing in the civil marriage contract that requires that any church recognize the civil marriage as a fulfillment of their own requirements for holy matrimony. Many churches have traditionally applied many different rules. In my own experience I have known one or two young couples who've "run off and got married" in a civil ceremony who were told in no uncertain terms "You're not MARRIED in OUR CHURCH until you've complied with and accepted the sacraments of our church." This is an appropriate expression of the requirements of the sacraments of holy matrimony.

There is nothing in the civil marriage contract that requires any church to recognize the civil dissolution of the civil marriage, and some churches refuse to do so. Not too long ago it was not unheard of for a "married couple" who changed their church allegiance from one denomination to another to be told that they must have their marriage sanctified according to the sacraments and rituals of their new church before the church would recognize them as "joined in holy matrimony," even when their prior marriage had been in accord with all of the rites and rituals of their former denomination. It is entirely the privilege of any denomination or faith to apply whatever rules are consistent with their own belief; and it is not, or should not be, a matter of interest or concern for civil authority.

There is nothing in the civil marriage contract that requires any religious authority to perform any rites, rituals, or ceremony, or to render any sacraments in confirmation of any holy matrimony, to anyone who does not conform to their own rules for doing so.

If we believe in the true separation of church and state, there is nothing preventing persons from observing, within their church, the rituals of marriage without benefit of a marriage license. The difficulty there is that it's nearly impossible not to act married outside one's church, so the legal certification is a practical need for most of us. Kansas law, I believe, prohibits the recognizing, in civil law, of common law marriage, and for purposes of civil law entering into a ritual of holy matrimony without license would appear, for civil matters, as a common law marriage.

The prohibition against recognition of common law marriage, intended probably to "protect marriage," does not really prohibit two people from acting married. It only prevents "acting married" from being used as a defense against a charge of theft if you sell your spouse's new car without her permission. It fails its intent.

THE LEGISLATURE AND CIVIL MARRIAGE

The marriage license is the method by which the existence of a legal civil contract is made a part of public records, for the protection of those in the community who may have property dealings with the couple who are joined in the contract. It has no other legal function.

It is appropriate that the Legislature make whatever rules are necessary to assure that anyone entering into such contract is of sound mind, has legal standing in the community, shows evidence of being prepared to fulfill the contract, and is capable of doing so.

It is appropriate that the Legislature prescribe, to the extent that public safety and stability are affected, rules limiting both the forms that contracts of a specific kind may take, and who is entitled to enter into contracts of a given form. While the existing statute falls within this scope, it seems rather irrational. So long as this remains as a statute, remedy is available when it becomes needed.

It is ESSENTIAL that the Legislature retain the authority to amend, supplement, clarify, extend, or reduce the technical definitions of civil contracts. The Legislature cannot amend the State Constitution to correct defects in the provisions it contains.

The existing statutory definition of eligibility, while rather terse, is sufficient, and is in its proper place. It is technically defective as law, since it does not define what is meant by "one male and one female," but no additional law is needed. It is not appropriate that the administering of any civil law be removed from the reach of the Legislature by placing it in the State Constitution.

WHERE DID THIS PROPOSED AMENDMENT COME FROM?

The insistence that this "definition of marriage" should be made an amendment to the State Constitution indicates not only a malicious intent to subvert the Constitution by inserting religious doctrine, but a naïve and misguided notion that making it a part of the Constitution will make it "invulnerable" to court challenge.

The only reason cited for making this an Amendment is that the courts may overturn the existing simple statute. If the courts overturn it, it will be because it is a bad law. If it is judged to be a bad law, it will be because it causes harm. Making this a part of the State Constitution will not change its nature. It will not prevent it from being overturned by the courts. It will only make it a whole lot more expensive to do it, and will assure that, if it is judged that it causes harm, it will hurt people for a lot longer before a correction can be made.

This law, whether it is entered into the State Constitution, or if it remains a simple statute, has as its sole source and purpose the enforcing of a few citations from the Old Testament of the Bible, arbitrarily extracted and pushed upon us as being "The Will of God." It is not the will of my God.

This is "hate law" at its finest. While my contacts are limited, I have yet to hear anyone defend this except by the seemingly parroted statement, that "we have to do it because it says in the Bible that it's an" ...(pause 1.2 syllables, roll eyes 42 degrees up and 15 degrees to the right, lower voice 1.7 semitones, intone)

"A H H B A W M O N A S H U N."

You can almost hear the click when their brain turns back on and they resume speaking. Straight out of Pavlov's laboratory notebook.

Hate is a marvelous and powerful thing, for a politician or for one pretending to be a minister of some faith. It is one of the easiest of emotions to elicit, and perhaps the easiest to manipulate. It really is difficult to tell if the motivation comes from some real belief or if it's just something being used to "feel the power." Don't you just love to hear them cheer?

The momentum that advocates for this Amendment hope to maintain by pushing this measure to an early vote is the momentum of hate. They've got people stirred up, and need to get the vote before they stop and think.

I'm not sure I understand just why homosexuals were chosen as the object for this hate venture, since the Old Testament scriptures that are cited are not part of my core of belief; but it really doesn't make that much difference. McCarthy had his communists, and we all loved to hate them. J. Edgar Hoover had his "white slavers" and at the peak of his campaign we all knew, from official F.B.I. statistics, that more young women were sold into sexual slavery to the "AyRabs" every year than became new members of American churches. One must wonder, of course, where all those unfortunate young ladies came from. Of course we know that Adolph really did, personally, hate the Jews. There is, however, one small problem with hate. It feels good, and we all love to do it, but it has a way of making you blind to what really is happening. I believe it was in the early 1980s that Wichita passed a non-discrimination ordinance that included a prohibition against discrimination based on "sexual preference." A petition campaign was, of course, immediately started to repeal the ordinance. At least three separate people who were circulating petitions in my office gave as their reasoning that "We don't have many here, but we don't want them coming here just because of that ordinance." While the petitions were being circulated, a credible national survey showed that the ONLY city, over 100,000 population in the U.S., that had more gay bars on a per-capita basis than Wichita Kansas was San Francisco. Our citizens were so busy hating their unknown enemy that they couldn't see them.

I've been told that it's easier to be "invisible" when you're part of a population that's hated than when you're in a more open culture. Hatred is blind.

A church that must demand that civil law uphold its sacraments has failed in its ministry and *deserves* nothing but contempt. A church that demands that its own beliefs be made into law and that all people must follow only its beliefs merits nothing but loathing. To demand civil enforcement of a sacrament is to cede to civil authority the power to regulate all sacraments. This is not acceptable to persons of honest and true character or to those who seek understanding within their own faith; and is not permitted under the laws of our nation. When the enforcement of "their" rites enters into law, it inevitably subjects all of "my" rites to the control of civil law.

SOME PERIPHERAL CONCERNS

The principal objection to this law, especially as a part of the Constitution, is that it's simply bad law. Even if you don't think it's bad, it doesn't belong in the Constitution, simply because its purpose, the regulation of a civil contract, is not a Constitutional issue.

When I was nearing graduation from college in 1961 (and again in 1963), several of my fellow students who were nearing graduation and were interviewing for jobs, knowing I was from Kansas, asked rather detailed questions about "what's it like in Kansas." Their concern was that we have the reputation for being a bigoted and repressive society, and they were concerned that they wouldn't be free to follow their own spiritual beliefs in Kansas. All I can say is that I did my best to reassure them, but none of them, so far as I know, even completed an application with any Kansas company *because of their belief that we don't allow freedom of worship here*. I do know that none accepted employment here. When I met with personnel representatives from Boeing, it is no exaggeration to say that three separate recruiters each *begged* me to submit an application to work at Boeing in Wichita, "because it's almost impossible to get anyone to go to Kansas because of the bigotry there." (Two of the three added "but you're probably used to it.")

The issue here really is not about whether civil unions of same-sex couples should be permitted. It's limited to whether this law belongs in the State Constitution, and the answer is clearly and emphatically NO. It is a peripheral consideration, but in our need to retain our own people, and to bring in new people to contribute to our economy, our "image" is important, and it's not good.

I participate regularly at an internet site whose main purpose is folk music, but which has a separate "non-music" section where many subjects are discussed. U.S. users of this site are a little less than half the "population" there. It is clear that Civil Unions are accepted in the majority of the countries we would call "civilized European." People there accept it as a basic human right, and are astonished that it's an issue here. This includes England, Ireland, and Scotland, where people routinely throw bombs at each other because of the state mandated religious doctrines in civil law. This just isn't a "religious issue" for them. Once the "religion" is removed, it isn't an issue at all for most of the world.

SHOULD THE PEOPLE VOTE?

One of the most bitter debates during the writing of our United States Constitution was over whether to include any "democratic representation." Our founding fathers recognized that a democracy is often the most tyrannical form of government possible. As a compromise, democratic election of leaders was accepted. It was expected that our Legislators, and other elected leaders, would protect us from making stupid mistakes. Deciding questions of policy by popular vote is NOT what they had in mind, and should be considered a last resort when our elected leaders cannot find a just and sustainable decision. There are sufficient defects in the proposed Amendment to justify killing it here. It should not go to the people.

Given the free vote on simple issues of policy, the majority too often votes emotions and not what's best for the country. The majority can, and will if permitted, ignore the burdens imposed on the minority. Almost our entire U. S. Constitution is devoted to, and has its central values in, the requirement that no one, regardless of how small a minority they represent, shall have their rights infringed except for *compelling reasons for the public good*.

There is no compelling reason for this Constitutional Amendment.

The recent Sedgwick County Arena Sales Tax vote is, in my opinion, a classic example of how easily the popular vote can be manipulated to produce a result that does not represent the real intent of the people. While it might be appropriate here as an illustration of the problems with "democracy" it deserves its own separate discussion.

IN SUMMARY:

1. Advocates for this Amendment know that it is likely that the existing statute may be overturned by the courts. They have the naïve belief that "if it's in the Constitution" that won't happen. If the law is a bad one, the courts will have their say. A statute can be easily amended. Changing the Constitution is much more difficult.
2. The State Constitution is the place for enumerating the *rights of the people* and the *limits to the power of civil authority*. This is a limitation on the rights of an arbitrarily selected few of the citizens of our society, with no basis other than "religious" bigotry. It is NOT a proper subject for the Constitution.
3. The existing statute is already, in my view, an attempt to place religious doctrine in the civil law. It is not my religious doctrine, and is offensive to me and to many others on that basis. ~~It would be offensive there even if it was my own central belief, because~~ matters of religion ***do not belong in our civil law***.
4. The existing statute deals with the simple regulation of a form of civil contract, and is an appropriate matter for continued control by the Legislature. It is not appropriate matter for inclusion in the Constitution of the State of Kansas.
5. The proposed amendment, by refusing to recognize contracts formed elsewhere, is in direct conflict with the prohibition in the U. S. Constitution against laws restricting free interstate commerce and travel. If we are a nation of laws, it likely will fall.
6. The proposed amendment, and the existing statute, are in direct conflict with the equal rights principles of the U.S. Constitution, since its intent is to deny one certain group of persons the right to make civil contracts of a form available to all others. There is some latitude for the argument that the existing statute is within the power of the legislature to regulate the making of civil contracts. This "latitude" likely will not be permitted in arguments for the same restrictions in the State Constitution when the matter reaches the courts.
7. The proposed amendment is defective in that it grants and/or restricts rights based on whether a person is male or female. It includes no definition of what constitutes "being male" and what differently constitutes "being female." This defect will be difficult to remedy, as there is no uniformly accepted means of making this determination, and the charge of being "capricious and arbitrary" may be expected. Absent a suitable and enforceable definition of "male" and "female" this law will likely, eventually, fall in the courts for this reason.
8. Sending this Amendment to a vote of the people would mean that the Legislature has failed in its responsibility to act on behalf of all of the people.

Attachment to Testimony of John A. Robinson

Comments previously sent by email to members of the Kansas House of Representatives

I have posted essentially the following opinion in an internet discussion topic titled "Why you don't like gay marriage ." My original message there may be seen at http://www.mudcat.org/detail.cfm?messages__Message_ID=1339915. I found no substantial argument from that group, which is international in membership.

Much of the debate here mirrors what I see as the common fallacy of those who want to change the law(s) to prohibit gay marriage. The fallacy is that "marriage" means only one thing, and always means the same thing in all contexts.

Many years ago, when I was "counseled" on my pending marriage, my minister explained that:

1. The "marriage" LICENSE is something you should get, to allow the two of you to buy and sell property together, mess up each other's life insurance, and all those other "business" things that the government regulates. You need to get one; but if you want to know about what it does to you, or for you, you need to talk to a lawyer or an accountant.

2. The marriage SACRAMENTS belong to the church, and the SACRAMENT OF MARRIAGE in our church, which you agree to observe, is something the government doesn't control. They can't send you to jail if you violate a sacrament, but OUR CHURCH takes the SACRAMENT of marriage very seriously.

In other words, there's no reason to define a "Civil Marriage License" differently than a "License for Civil Union," because the Marriage License is ONLY a license for "Civil Union" until/unless you participate in the sacrament(s) of your own religion.

Historically, marriage was a "church thing." If you wanted to be "married" you talked to the priest or other appropriate "minister," followed the rules of the church, and the "marriage" was recorded in church records. "Civil Marriage" is a relatively recent invention in many places, and you get a "license to be married" in order to reveal to the rest of the people that you follow "married rules" on the acquiring, owning, and disposing of property.

In simplest form, the CIVIL MARRIAGE is an agreement to grant each other permanent and complete "power of attorney" in matters of secular law, so that property acquired by one is owned jointly by both, and any legal obligation assumed by one is owed by both. Either may make decisions for the other, in any matter affecting life, death or property. Of course, as in anything "legal" the simple becomes extremely complex in practice; but ALL MARRIAGE LICENSES are ONLY a license to form a CIVIL UNION. The "law" does not (at least should not) impose any requirement to observe or not observe religious sacraments, to have or not have sex, to produce or not to produce children. The law is intended to regulate property, so that the rest of the world knows how to deal with the "couple acting as one."

To enact a law prohibiting any persons "of a particular kind" from engaging in one kind of civil contract is exactly like the same prohibition for any other kind of contract. While I'm sure that many now agitating for a prohibition against "marriage" of "gays" would find it satisfying, I don't believe that prohibiting "gays" from being a principal in any "Class X Corporation" or "Regulation Y Partnership" would stand as not discriminatory, and the action licensed by the (civil) marriage license is, legally, no different than any other form of civil association.

Any person who has legal standing to make a contract (i.e. who *is a person*) and who meets the statutory requirements for a given kind of contract (e.g. not a felon, drunk, judged insane, etc.) should be able to make any kind of contract recognized by secular law. In all jurisdictions I know, any (heterosexual) couple can appear before a designated public official, and license a CIVIL MARRIAGE, have that marriage affirmed before an appropriate, usually designated, CIVIL WITNESS and be "legally" married. The church is not involved. (The limitation that only a "heterosexual couple" may form a civil marriage seems irrational, but so is a lot of other state law; and similarly "irrational" restrictions are fairly common.)

A church that chooses to do so may restrict who is permitted to receive the ministering of any of their own sacraments and/or rituals, including the sacrament of a "church" marriage. A church may refuse to recognize as "married," for purposes of their own, persons married under civil law until their own sacramental rituals are performed and the appropriate vows exchanged. Historically, many churches have demanded a "ritual marriage" before accepting a "civil marriage." Some churches, similarly, refuse to recognize a civil dissolution of a marriage under nearly any circumstance. That's something entirely separate, and the law shouldn't care.

A CHURCH THAT DEMANDS THE INTERVENTION OF CIVIL LAW TO ENFORCE THEIR SACRAMENTS IS A FAILED CHURCH, and invites civil intervention in ALL their sacraments. (Isn't "confession" a self-incrimination prohibited by the US Constitution, and isn't therefore the refusal to administer "holy communion" to one who hasn't been to "confession" an unacceptable "discrimination" and shouldn't the "minister" who dispenses ingestibles be subject to state regulation of sanitation and product purity, and be licensed? How many "license fees" can we collect here? How much meddling is invited?)

A PERSON WHO INSISTS THAT THE "GOVERNMENT" MUST ENFORCE HIS/HER "ARTICLES OF FAITH" HAS VERY LITTLE TRUE FAITH. For most of the faiths with which I'm familiar, insisting that "all marriages are sacred" implies little knowledge of what one's own faith requires in order that a marriage be "blessed," and/or an appalling lack of comprehension of what's going on in the "real world."

For those who just "don't like ***, " I can be more sympathetic. The world is full of people who are stupid and irrational, and who do things I find annoying, foolish, dangerous, and otherwise objectionable; but they are people who have legal standing in

my community, and I will grant to them, and defend for them, their right to be stupid and irrational – even to disagree with me, as long as they *don't try to force me be like them* by advocating laws that prevent me from being stupid and irrational and perhaps even annoying according to my own preferences. (I find over-amped music quite annoying, but enjoy playing my mandolin badly; although I've been told "there ought to be a law...")

Inherent in the agitation for new laws is the foolish belief that passing a law will make something "not happen." The only thing a law can do is define "what it costs to do it." Attempting to "pass a law" to prevent a common behavior that does not *substantially threaten the community* is for the small-minded. I see no substantial damage to society from permitting people to form, and to have legally (secularly) acknowledged, their own personal associations, even though they may apply different values than mine in their choice of partners. I see great damage to my community in the imposing of "sacredness" in any matter of secular/civil law.

My additional comment to members of the Kansas Legislature is that the attempt to change the State Constitution to ban gay marriage has no visible purpose other than the intent to impose RELIGIOUS DOCTRINE in the civil laws of the State, and the deliberate and malicious intent to injure a specific minority incapable of creating any legally actionable injury to those who so irrationally hate them. NO CLAIM of damage as a result of participation by "gays" in the civil affairs of the people has been advanced by any of those proposing this change other than that their supposed and unknown "activities" are a violation of SACRED LAWS which are not the business of the civil government.

I urgently request that you vote NO to any proposal for such change to the Constitution of the State of Kansas, that you vote NO to any proposal to submit such change to popular vote, and additionally that you oppose the apparent intent to rush such changes through the Legislature without the full and reasoned debate of the issues before any such vote is taken.

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January 26,2005

RE: Please vote NO on the Marriage Amendment

The Honorable Rep. Chair John Edmunds

Kansas House of Representatives

The Honorable Federal and State Committee Members

My name is Melodie Pooler. I have been a Kansas citizen for more than 30 years. I am a graduate of Kansas State University, a Kansas Public School teacher, a former Kansas foster parent, a proactive member of my Kansas community, the grandmother of a healthy, happy 5 year old Kansas kindergartener, and the mother of 3 Kansas born, raised and educated children. One of whom happens to be homosexual.

I have come here to testify before each of you today because I am strongly, passionately, opposed to the Marriage Amendment. This proposed amendment goes against everything our founding brothers and sisters came here to escape. This proposed law clearly clouds the lines between Separation of Church and State. It proactively discriminates against a specific group of YOUR constituents. It is designed to put minority rights to a majority vote which is unethical, immoral and unjust.

Just last week in his inaugural address to the nation President Bush called for freedom for all of humanity. I say, let us affirm that freedom for supporters of the government only, for the members of one party only---no matter how big its membership may be ---is in reality no freedom at all. Freedom means there is freedom for those among us who think differently, who believe differently, and who are different than the majority. But how does a nation simultaneously prepare to conquer oppression beyond its own borders were oppression towards its own citizens is the standing order of the day? Let us remember that we do not live in a true democracy, but rather a Republic where elected officials are called upon to make decisions for the good of the whole. Again, minority rights should never be put forth to a majority vote.

Many of the representatives that I have visited with told me that they did not support the proposed amendment, but they had no choice but to vote for it

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 26

because that is what their constituents wanted. Well, in all due respect I believe you do have another choice and more importantly an obligation. I understand that politics can be a funny thing... one day you're the rooster or hen and the next day you're a feather duster. But the biggest need in politics and government today is for people of integrity and courage, to do what they know is right and not worry about the political consequences to themselves. The extent to which you are able to transform your "self concern" into "other-concern" will determine your effectiveness in educating your constituents. And educating your constituents with the facts regarding homosexuals is what you must do.

What is the best way to do that? First you must educate yourself with the facts. The slanderous hate filled lies that some would have you believe are totally unfounded and are based on ignorants and fear. There are those that would have you believe that the gay community has a hidden agenda, but nothing could be further from the truth.

The proponents of the proposed Marriage Amendment would have you believe that gays are not a protected class, but that is not true. During President Bill Clinton's first term in office gays became a protected class under federal law. Homosexuals, as we have become painfully aware, are not afforded the same rights as other citizens and have little say in the political process that affects their lives. This clearly meets the definition of a minority. And I will say it again, we must never put minority rights to a majority vote.

In America marriage is an institution designed by society to promote stability for ourselves and our communities, but primarily for our children. Is that stability a right only for children reared in straight families or is it a right we want ALL children to experience? Remember, children are a protected class and homosexual parents want the same stability for their families that are afforded to other members of society.

I have heard it repeatedly said that gays are a threat to "traditional" marriage. Yes, there is a threat out there and "traditional" marriage is in serious trouble, but it has nothing to do with gay people. Our neighbors who support this prejudicial proposed Marriage Amendment should return to their communities and churches and find constructive means to deal with the real evil that assault more than 50% of Kansas families. The fact is that domestic violence, poverty, drug and alcohol addiction, lack of education,

absent fathers, non payment of child support, and high divorce rates are the true demons that have suffocated the life right out of the institution of marriage.

So many of the fabricated falsehoods regarding homosexuals are used in arguments by those that would like to see our gay brothers and sisters treated as second class citizens with limited rights and options for themselves and their families. These falsehoods are not worth the investment of time for consideration and own no place in the intellectual argument or responsible decision. We should look at the facts and the facts only. And the facts are well established and clear. I think we should be honest. This entire mess has to do with sex and that some people feel threatened by the way some among us do "it." They have taken their fear and hatred and created a political agenda that will bring great shame to Kansas. I can't understand how so many people have so much time to dwell on the sex lives of people they don't even know.

I have heard many lawmakers in both the House and Senate say they are voting "yes" just to get the issue off the table so they can get to work on the truly important concerns facing Kansans. The same people who want to see this thing pass are using the pressure our Senators and Representatives are feeling to move forward to manipulate their chance of getting this on the ballot. These are the people who profess to hold the market on values. Please remember that hate is not a family value. Consider very closely what will happen if you reward their seriously misguided agenda.

In closing I would like to say that we are all bound together in our desire and our obligation to see the world become a place in which our children can grow free and strong. The way to insure that we leave this type of legacy for our children is to stand on the side of liberty and justice for all citizens. Go to your constituents and educate them with the facts communicating what you have learned regarding the complicated problems with this proposed Marriage Amendment.

Pearl S. Buck once said, "Every great mistake has a halfway moment, a split second when it can be recalled and perhaps remedied." I hope you will join me in believing that this proposed Marriage Amendment is one of those great mistakes and this is the halfway moment, that split second when you can say there is no place for such harmful laws in the great state of Kansas.

I would like to thank each of you for the opportunity to express my thoughts and share my serious concerns regarding the proposed Marriage Amendment. It is wise lawmakers who consult before making a decision. The best public policy is made when you are listening to the people who are going to be impacted.

Melodie J. Pooler
1413 Nichols St.
Manhattan Kansas 66503
785-341-2402

TESTIMONY OF ROB MONTAGUE, OF OVERLAND PARK, KANSAS

Mr. Chairman, and Members of the Committee:

Thank you for the opportunity to speak in opposition to SCR 1601, which would amend the Kansas Constitution to outlaw civil marriage between people of the same sex and further prohibit any other type of legal recognition of such relationships.

My name is Rob Montague. I live in Overland Park, and I am one of the hundreds of thousands of Kansas citizens and taxpayers who would be directly and adversely affected by this discriminatory proposal.

Two years ago I retired from a position in the U.S. Department of Health and Human Services. Since then, I have been dividing my time between Overland Park, where I spend a significant part of the year with my elderly parents and other members of my family, and Rio de Janeiro, Brazil, where the weather this time of year tends to be in the 80's and 90's, not the teens and 20's! In Brazil, somewhat to my surprise, I've been fortunate enough to meet the man with whom I hope to spend the rest of my life. Sometime soon I hope my partner will be able to come to Kansas to meet my parents, now aged 92 and 82, and other family and friends, and to get to know and enjoy the city I grew up in. Unfortunately, in the current post-9/11 environment, it has become much more difficult for foreigners to get visitor's visas to the United States, and even harder to obtain permanent resident visas. If my partner and I were able to marry legally, he could obtain a permanent resident visa as my fiancé or spouse. Under the existing discriminatory status quo, that possibility isn't available to us. Only opposite-sex couples can apply for such visas. This is a direct example of how the discrimination against gay people in the United States affects this Kansan, personally.

Brazil, as I am sure the Members of this Committee know, is a country almost as big as the United States. It has a population of 180,000,000 million people, and is the largest predominantly Catholic nation in the world. Like many other countries around the world, Brazil has begun dealing in the past ten or fifteen years with the legal consequences of same-sex relationships. The result has been that the courts and legislative bodies have afforded piecemeal recognition to such relationships, ensuring, at a minimum, equitable inheritance rights, the right to receive a survivor's pension upon decease of a partner, custody of a deceased partner's children, the ability to obtain permanent residence in Brazil for a foreign partner, division of property when a relationship ends, etc. A bill to legalize same-sex civil marriages is under consideration in the Brazilian Congress, and a recent lawsuit has been filed that many observers believe will result in a decision by the Brazilian Supreme Court legalizing same-sex civil marriage on an equal footing with opposite-sex civil marriage, based on the powerful equal rights and anti-discrimination articles in the Brazilian Constitution. This would parallel the recent Supreme Court decisions in Massachusetts and Canada that found prohibitions against same-sex marriages in those jurisdictions to be unconstitutional, for much the same reasons.

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If Brazil legalizes civil marriage for same-sex couples, becoming the largest country so far to do so, my partner and I will probably marry. This would put us in the anomalous situation of having all the legal benefits and responsibilities of marriage in Brazil, but not having our marriage recognized by the U.S. or my own home state of Kansas. This is another example of how the discrimination against gay people in the United States affects this Kansan, personally.

Some of the federal laws that explicitly discriminate against gay and lesbian Americans, like the Defense of Marriage Act, are now facing constitutional challenges in the courts. Similar discriminatory laws at the state level are equally injurious, and are also under challenge. In the meantime, though, I and millions of other gay and lesbian Americans must live with the discriminatory and unjust consequences, every day of our lives.

As if it weren't bad enough to experience the current discrimination to which we're subjected under federal and state law, we are now faced with SCR 1601. This mean-spirited proposal was sensibly defeated in the last session of the Legislature, and it should be defeated again now.

I would like to address some of the arguments used by the proponents of this amendment:

Some of those in favor of this amendment argue that it is needed to "protect" heterosexual marriage as it now exists. Yet, when questioned, they can NEVER explain how, exactly, heterosexual marriage would be affected or undermined if the state of Kansas were to allow same-sex couples to marry. NEVER! The reason, of course, is that allowing same-sex civil marriages under Kansas law would have no impact whatsoever on heterosexual marriages. Allowing same-sex civil marriages would take absolutely nothing away from existing heterosexual marriages, or otherwise interfere with them, so SCR 1601 would not "protect" such marriages in any way. It would only single out gay and lesbian Kansans to discriminate against us and prohibit any kind of legal recognition of our relationships, ever.

Other proponents of this amendment argue that it is somehow necessary to protect the "sanctity" of marriage. I have the profoundest respect for the sincerely-held religious beliefs of my fellow Kansans, whether or not they share my own faith, but let us all remember that the governments of both the state of Kansas and the United States of America are secular, not theocratic. Both the Kansas and U.S. Constitutions require the separation of church and state. "Sanctity," which is another word for "holiness," is not a concept which can be given legal sanction by a secular government which only has the power to regulate and recognize civil marriages based on state laws, not religious laws. For many, perhaps most, of my fellow Kansans marriage has a religious aspect and I, too, believe that there is an element of sanctity and holiness involved when a couple exchange their marriage vows religiously. But neither Kansas nor U.S. law can affect, let alone enforce, that sanctity and holiness. That is a matter between a couple and the Almighty, not a couple and the State.

Mr. Chairman and Members of the Committee, SCR 1601 is an impermissible attempt to use the Kansas Constitution to impose on the secular society of Kansas, as a whole, a particular religious viewpoint that opposes same-sex marriage. Even though many faiths do not accept or recognize same-sex relationships or marriages because they believe they violate their religious precepts, that is not universally the case. More and more faith communities in Kansas, the United States and other countries do recognize such marriages, permitting them to be conducted in their sanctuaries and performed by their clergy. Examples of such faith communities include the Unitarian-Universalist Church, the United Church of Christ, and my own faith community, Reform Judaism, to which the largest number of American Jews belong. It is unthinkable that the members of this Legislature would allow the Kansas Constitution to be used coercively to impose the sincere religious beliefs of one group of Kansans on other Kansans who believe differently, with equal sincerity.

~~Some proponents of this amendment argue that it is needed to "protect" marriage as an institution that only exists to promote procreation by heterosexual couples. Besides the fact that this is another religious argument which is far from universally accepted by Kansans of faith, it is demonstrably inaccurate. Civil marriage in Kansas was not established as a means of promoting procreation. It was created to define and regulate the legal relationships, benefits and obligations of persons who choose to unite as partners-for-life, whether or not their relationships are instituted under any religious auspices. If the public policy underlying civil marriage in Kansas is only to promote procreation by heterosexual couples, it would stand to reason that couples intending to marry would be required to produce the results of fertility tests when they apply for a marriage license, and be denied a license and the right to marry if they are unable to have children. It would also stand to reason that the state should automatically dissolve childless marriages, because they confer legal benefits and recognition on couples who are unable or unwilling to satisfy the public policy for which those benefits and recognition were given. If heterosexual procreation is the public policy that is being protected by SCR 1601, the state of Kansas should nullify the marriage of my own parents, who have been married for more than 60 years. At the ages of 92 and 82 they are decades past their procreative and child-raising years. Now that my sisters and I have been independent adults for at least 30 years, there would be no public policy reason under this theory of marriage for allowing my aged parents to continue receiving legal benefits and recognition intended to promote procreation.~~

Obviously, such a position is absurd, and does not represent the actual public policy of Kansas, or any other state. It demonstrates why the argument that SCR 1601 is necessary to protect heterosexual procreation is without merit, and why this Legislature cannot and should not support it for that reason.

Let us also remember that, in real life, heterosexuals are not the only people capable of procreating or raising families. Hundreds of thousand of lesbians and gay men are parents, either naturally or through adoption, and are raising their families to the best of their abilities, just like their heterosexual fellow citizens. SCR 1601, by prohibiting any legal recognition for same-sex relationships, would irreparably and profoundly harm such families, and particularly the children

being raised by same-sex couples. It would forever deny them all the protections and benefits enjoyed by other Kansas children whose parents are heterosexual. It certainly cannot be the public policy of the State of Kansas to harm its children in this way.

Let us, then, be clear about the intent and effects of SCR 1601. This amendment will do nothing to "protect" marriage or its "sanctity." It will also not protect or promote procreation. The only thing it will do is single out a group of hundreds of thousands of Kansas citizens for discrimination by the Kansas Constitution. This would be an infamous abuse of the Constitution, which has always guaranteed the rights and freedoms of Kansas citizens, not taken them away.

Make no mistake, passage of this amendment would do real, profound and irreparable harm to same-sex Kansas couples and their children, who already are denied the vast majority of benefits and protections enjoyed by families in which the parents are legally married. By supporting this amendment you would be voting to actively discriminate against hundreds of thousands of gay and lesbian Kansans, including myself, and enshrining that discrimination in our very Constitution. That would be truly un-Kansan and un-American, and the most shameful and reprehensible act you could take as a legislator. Please consider whether you want to be remembered by your own family, by your fellow Kansans, and by our state's history as one of the legislators who voted in favor of including the first explicitly discriminatory amendment ever in our Constitution.

Mr. Chairman, and Members of the Committee, I urge you to oppose this discriminatory amendment and to urge your colleagues in the House to oppose it as well, and focus instead on the real issues that are priorities for all Kansans, like funding for education, access to health care, promoting economic development, and ensuring that Kansas continues to be a good place to live for everyone, in all our splendid diversity.

Thank you once again for the opportunity to address this Committee on a matter of such consequence.

To: The Honorable Rep. Chair John Edmonds

Kansas House of Representatives, Federal and State Affairs:

Vice-Chair Arlen Siegfried, R-Olathe, Ranking Minority Tom Burroughs, D-Kansas City. Members: Steve Brunk, R-Wichita, Ray Cox, R-Bonner Springs, Barbara Craft, R-Junction City, Don Dahl, R-Hillsboro, Bonnie Huy, R-Wichita, Lance Kinzer, R-Olathe, Everett Johnson, R-Augusta, Ray Merrick, R-Stilwell, Judy Morrison, R-Shawnee, Todd Novascone, R-Wichita, Lynne Oharah, R-Uniontown, Kenny Wilk, R-Lansing, Nile Dillmore, D-Wichita, Tom Hawk, D-Manhattan, Broderick Henderson, D-Kansas City, Judith Loganbill, D-Wichita, Ann Mah, D-Topeka, Melody McCray-Miller, D- Wichita, Candy Ruff, D-Leavenworth

RE: Constitutional Amendment Limiting Marriage

I wish to thank Chair John Edmonds and other member of this committee for accepting my testimony.....I strongly oppose SCR1601 which would, for the first time, write discrimination into our Constitution. This bill would send a wrong message about our state to the rest of the nation and it violates the civil protection provisions of both the Kansas Constitution and the US Constitution.

Many people believe that same-sex marriage is against God's will. Others, most of them religious, believe the admonition in the Bible against homosexuality is not relevant in our time, anymore than the admonition against eating shellfish and pork, which is found in the same book of the Bible. Thomas Jefferson wrote the word "Christ" was left out of the constitution because our founding fathers wished to include persons of many different religions or in his words "infidels of every denomination." They clearly did not wish religion to be a part of our system of laws.

Supporters of this amendment say it is the democratic thing to do, to put this to a vote of the people. However, the reason we have a representative form of government is to provide a check, to prevent the majority from making decisions which would take rights from any minority. In the past, if we had put the issue to a majority vote, it is likely that women would not have the right to vote, segregation would still be the law of the land and inter-racial marriage would not be allowed.

Supporters of this amendment say that people who are gay or lesbian are not a "protected class" and do not deserve protection under the law because being gay or lesbian is a choice. It has been over a quarter of a century since all major psychological and psychiatric organizations agreed that homosexuality is not a mental disorder. In 1994 the American Academy of Pediatrics and the Council on Child and Adolescent Health agreed that homosexuality is not a choice and cannot be changed. The reality is that according to the 2000 census, there are 3,136,921 same-sex couples living in the United States. Many of them have been together for many years and are evidence that same-sex couples are capable of being just as committed as straight couples, especially since they have not had the legal protections given to straight couples. These couples have been quietly raising families, earning a living, paying their taxes, worshipping their God and contributing to their communities and nation.

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Supporters of this amendment say it won't really change the law, since we already have a law on the books preventing same-sex marriage. However, Part B of this amendment will open the door to numerous unintended consequences and will likely assure that this amendment will result in Kansas having to defend it in the courts. It could cause Protection from Abuse orders to be challenged for unmarried opposite-sex couples who are dating or living together. It could affect many kinds of contracts between people who have relationships other than marriage, such as medical powers of attorney and/or living wills, joint ownership of property, with inheritance rights, as just a few examples.

I would like to tell you something about my self and some friends of mine who happen to be gay. I have been married for 43 years to the same man. My gay friends were married in a church, 26 years ago. My husband and I raised three children and have one grandchild. My gay friends raised two boys together and have three grandchildren. My husband and I are enjoying retirement together as are my gay friends. The difference is my gay friends have not had and will continue to not have many rights and protections that I and my husband have. My gay friends also have not been free to be open about their relationship as my husband and I are free to do. My gay friends have been content to settle for the status quo, mostly out of fear of repercussion, because of the bigotry and hatred held by many people. This amendment will endanger the contracts they have made with each other and will feed the hatred and bigotry that rages in the hearts of many of our citizens.

I urge you, for myself and my friends, vote against SCR 1601 and do not write discrimination into our constitution.

Thank you for allowing me to testify today.

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

Mary Kay Siefers
1726 Plymouth Road
Manhattan, Kansas

I would like to thank the committee for giving me the opportunity to speak today. And I would like to thank all of you for the work that you do for the citizens of Kansas. I am very nervous about these three minutes, but also very proud to be here as a gay Kansan. I'm exercising my courage muscle to be here today as I am very aware of the potential risk of outing myself in this way.

As my testimony to this committee, I would like to share a little about my straight parents who raised a gay daughter. I want to tell you this story so that you understand that hard-working, patriotic, service-oriented parents will be hurt by this legislation. I imagine the story of my parents is going to be very familiar to many of you in this room. My parents, who are both retired, live in Dorrance, Kansas, a very small town in Russell County. My mom worked as a school secretary for 37 years. She is still a member of the VFW and American Legion Auxiliaries, Eastern Star, Altar Society, Sorosis Club, PYW (progressive young wives), and she serves on the board of the local low-income housing project. My parents have lived next door to the Catholic Church in Dorrance for 39 years and my Mom has taken care of the church each and every day for all of those 39 years.

My dad was a postmaster in Dorrance for 30 years and he also operated a farrow-to-finish hog farm after he got off work from the post office at 4:30 in the afternoon. He is also a member of the local Lion's Club, VFW, and American Legion. Dad survived 33 missions in a B-17 during WW II and is proud of his service to his country.

I wanted to share the story of my parents for two reasons: one, I am very proud to be the daughter of hard-working, patriotic, service oriented parents who raised a healthy gay daughter, and secondly, I wanted you to know who you would be hurting by supporting this demeaning legislation. You would be hurting dedicated families like mine: you would be hurting my parents, my parents who love their gay daughter dearly.

After reflecting on the hurt that will be caused by this, I wondered why do we need to protect the sanctity of marriage. So I called my sister in Salina who has been married for 30 years and I asked her how this legislation would protect the sanctity of her marriage. She hesitated after the question, but could not see how this legislation could possibly have anything to do with her marriage or for that fact, the marriages of her two straight children. She told me that she and her husband were responsible for the sanctity of their marriage.

As I see it the challenge for all of you in this room is to exercise your courage muscle and to stop this demeaning legislation in this committee. You are all smart people and know the history of civil rights movements. If it was left up to a popular vote, would we have abolished slavery or given women the right to vote? I ask you to exercise your courage muscle to vote no. Thank you for your thoughtfulness and I would be happy to meet privately with any of you to discuss this issue.

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Date 1-26-05

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Mary Kay Siefers
1726 Plymouth Road
Manhattan, Kansas

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The Honorable Rep. Chair John Edmonds

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Re: Constitutional Amendment Limiting Marriage

I have spent all 34 years of my life in Kansas, loving the land and the people.

I love to drive down the backroads and smell the fresh turned earth on my way to take my dad, Gene, dinner. Most of the fields have names because my father loves the land so much: The Forty, Gobbler's Knob, The Pishney Place and others. I have eaten countless times with him sitting on the back of a pickup truck with that earth smell all around us, talking about the hopes for the new season between bites. The one thing I love more than the smell of the land in Kansas is working cattle with my father. We work as a team. I am in the pen with the herd, so close I end up touching many of them and getting stepped on and kicked too many times. My dad runs the gate as we sort them. I have tried to explain why I love working with cattle but most don't get it unless they have some sort of cattle sense. The closest I can come is that it is like a dance with dad and me and the cattle. In those few hours I truly understand my place in the world. Face to face with God's creatures.

~~My mom, Sandy, had a huge influence on my place in the world as well. She was the one who pushed me when I needed it. She is the one who pushed me to go to the Kansas Boy's State and HOBY Leadership camp in high school. I also got a job in the community with the encouragement of her. I worked in the grocery store in town. It was great. I got to talk to so many people in the community. My favorite part was delivering groceries to people in town that were unable to come to the store. It took me all morning because I loved to sit and talk to them and listen to their stories. One woman told me about the first time she flew in a plane in the 1920's. She had just had a baby and everyone told her she was nuts as she slipped on the goggles. She did it anyway. She inspired me to be brave in my life and take risk when everyone else is shouting against it. Mary was her name. I think of Mary every time I take a stand that is not popular. I hope she knew how much she meant to me before she died. I still go back home and volunteer at various events to improve the community because they taught me what it means to be a community that cares about one another.~~

I also love spending time with my friend's kids. Thomas is 13 and Cole is 11. Their father has been absent for most of their lives. They come over for one evening a week. We usually cook our dinner together, often with only a little supervision from me. Sometimes we go for a walk with Sophie, my dog, or go to the high school play or get ice cream and talk about life. I have even volunteered at their school. People scrunch their faces and ask who they are and why I spend time with them. I am just a Kansas farm boy working hard to pass on the lessons I learned from so many people and to make the world a better place. I love them – that's why!

So much talk has been made of MY humanity and if I deserve to be able to publicly recognize the love in my heart. It is rarely about the humanity of the people laws like this target but more about the humanity of the people who vote for or against them. This is about your humanity.

YOUR humanity is in question over the Marriage Amendment. Is YOUR humanity strong enough to stand against injustice? Will YOU throw away my humanity to get re-elected? Will YOU stand with Fred Phelps, the KKK, and the neo-Nazis? Unfair? Hardly. We are not discussing how people treat you daily. Will you add YOUR name to the list of injustices committed in the way of slavery, small pox infested blankets given to Native Americans, and interned Japanese Americans? This is about YOUR humanity! You have an obligation to stand against the tyranny of the masses, the very reason many of our ancestors came to this land. Will you honor the freedom and pursuit of happiness they sought, freedom from tyranny and persecution or will you condemn others now to suffer the fate they struggled to leave behind? This is about YOUR legacy! Will you let the American Dream die? Has Lady Liberty's light really gone out, no longer a beacon for those yearning to be free?

I Urge you to vote No on the current version of this amendment.

Heath Harding

315 Ridge Dr., Manhattan, KS 66502, 785-341-9400, hharding@k-state.edu

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Attachment 30

**Statement of Stephen Thomas Wertz Before the House Federal
and State Affairs Committee
In Opposition to SCR No. 1601**

January 26, 2005

Mr. Chairman and honorable members of this Committee, thank you for the opportunity to appear today to offer my statement concerning the matters contained in SCR Number 1601.

My name is Stephen Thomas Wertz, and I reside with my wife and two children in Prairie Village, Kansas. I am an ordained Elder serving on the Session of Second Presbyterian Church in Kansas City, Missouri where I am also Moderator of the Social Justice and Peacemaking Committee, though I wish to state that my testimony here today is not intended to represent anyone's opinions but my own. I am also an attorney licensed to practice in three States, and I was actively involved in corporate practice earlier in my career. I am currently a small business owner with my wife in a family business. I attended the University of Kansas and majored in History and Political Science before going to the University of Texas to receive my law degree. This is the first time I have ever ventured to testify on pending legislation, but I believed it essential that I take the time to do so in this case. I am not acquainted with or aligned with any of the other persons who are testifying here today in opposition of this effort to amend the Constitution of the State of Kansas.

My life is grounded strongly and unshakably in my faith. My life is also strongly rooted in my belief in the power of the law and in both its limitations and its excesses. The State of Kansas and its Constitution were forged in blood during this country's time of greatest division. It was initially prohibited from joining the Union because of its anti-slavery beliefs and its Constitutional provisions. The preamble to the Kansas Constitution acknowledges before God "our civil and religious privileges to insure the full enjoyment of our rights as American citizens..." Section 2 proceeds to state that "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."

I do not know if I necessarily favor same-sex marriage, but what I do very strongly believe is that the State has no compelling legitimate interest in taking a position on this matter. To do so in the

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way proposed in SCR No. 1601 will directly and absolutely contradict the time-honored provision of our Constitution which assures our citizens "equal protection and benefit". The State, with all its power, is proposing for the first time in its history, to place in its Constitution language which clearly and plainly discriminates against a segment of our population, and it proposes to do so solely on the basis of actions by adults arising out of their sexual preference. As a devout Christian and as an attorney, I find that reprehensible and unsupportable. As a student of history, I ask each of you to consider how well we have fared in the past as a nation when we passed laws which alienated and discriminated against other groups in our society, be they African American, Japanese, Chinese, native American, Irish, Italian, etc. Every time we sought to divide ourselves, a cancer was unleashed upon us that took much time and pain to overcome – indeed, this action shows we've still not learned from our past mistakes.

Marriage in many Christian denominations is a sacrament. By definition, that means it is a solemn observance and a sign that the faithful worshipper is receiving the grace of God. Regardless of our individual beliefs on the subject before us, who among us is willing to permit the State, with all its power, to interfere with this or other sacraments of our denominations or other religions? Should the State be permitted to interfere with infant baptism out of fear that a child might be abused or drowned in the process, or to interfere with the rite of circumcision, or to interfere with the right of a person to receive communion? Of course, those examples are far-fetched, but you get the point. At what point is it appropriate for the State to involve itself or to recuse itself from involvement in matters that are essentially ones of conscience, morality or religious belief? I believe that point is now before you in the form of SCR No. 1601.

The institution of marriage is not a matter in which the State should have a compelling interest. One line of argument to the contrary is that the State's interest in marriage is tied to its interest in assuring procreation. If that is so, what of marriages in which the parties have no interest in having children, or where the parties are unable, because of age or other reasons, to have children? Does the State involve itself in researching these matters before granting its license? Should it? Should these persons likewise be denied benefits incidental to marriage because no children will ever issue?

Even if the State has a compelling interest to protect the institution of marriage, what is its interest in denying recognition of relationships other than marriage so as to deny `rights or incidents of

marriage' as proposed in section (b) of the amendment? The sole purpose behind that provision is to deny a segment of our society a means to formalize their most intimate personal relationships and gain certainty under the law as to the impacts or results of certain subsequent events. What legitimate State purpose is to be served by that draconian provision denying such recognition and certainty?

The real question here before us is what are we protecting and why? Many of my friends say we are protecting the sanctity of marriage. I believe in the sanctity of marriage and rejoice in it daily. But in today's reality of what I would call 'serial monogamy' is that what we are protecting? Through this amendment, are we not rather acting to protect one group faithfully living life according to its honestly held beliefs from being offended by the action of another group faithfully living life according to its honestly held beliefs? Is it the job of the State to employ its power through the Constitution to protect us from being "offended"? I think not. Our laws and our Constitution are grounded in neutrality so as to allow each of us space to live our lives fully and freely with only such constraints as are necessary to protect each of us from depredation by others.

Passage of this amendment by the House will mark a major historical and legal deviation that will mark this State for generations and will likely lead to thoroughly unintended consequences. Your oaths of office oblige you to protect and defend this Constitution, not to yield to emotional, even if well-intended, desires of the moment. I urge you to consider these matters closely as you decide the fate of this bill.

Mr. Chairman and members of the Committee, I thank you for the opportunity to present my statement, and I pray that you will be guided to a just and well-considered decision.

Prepared this 26th day of January, 2005


Stephen T. Wertz

Potential Economic Impact of Same Sex Marriage Amendment

I'm here to speak about the potential economic impact this amendment could have on the state of Kansas. Specifically, I refer to part "b" of the amendment as it is written now.

But first I would like to share some quotes from leaders in a few top Kansas companies on diversity:

Gary Forsee, **Sprint** chairman and chief executive said "Diversity and inclusion are core to Sprint's culture and essential to the way we do business. We are pleased with our progress to date in making these values real and apparent to our employees and in the communities we serve. Sprint is honored to be recognized by DiversityInc as one of the Top 50 Companies for Diversity."

Bill Swanson (president and CEO of **Raytheon** Company) has stated, "I truly believe that companies that want to survive in the 21st century have to understand why diversity is so important." "I believe that Raytheon's focus on Diversity will help strengthen us as a Customer-Focused company because diverse organizations contribute to innovative customer solutions and strong customer relationships. Beyond this, it is the right thing to do -- because everyone in our company is entitled to be treated with respect."

Jim Schuster, president of **Raytheon Aircraft**: "Our company -- any successful company - - must be able to retain the best talent and recruit from the greatest pool of talent if we are to compete and win. Innovation today is more likely to be the product of teamwork fueled by diverse perspectives than individual achievement pursued in isolation."

If the amendment should be passed by the House and subsequently passed by the people of Kansas, it may force companies that currently allow domestic partner benefits to discontinue them.

According to the U.S. Census there are same-sex couples living in 99.3% of all U.S. counties nationwide. And although there is no clear statistical base for how much of the population is gay or lesbian estimates gathered from Voter News Service, 2000 census statistics and online news reports calculate ranges from 5 to 10% of the population.

Competition for Engineers and other highly skilled workers for many of the states major employers is fierce and not predicted to get any easier for the foreseeable future. To deny same sex domestic partner health care benefits would, in effect, eliminate a potential pool of 5 to 10% of human resources that are in very short supply and very high demand. Even those job applicants that are "straight", looking at a potential job in Kansas also looks at local schools,

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housing, economic vitality among other things, and then often looks at the local culture for tolerance and enlightenment as aspects to be evaluated when entertaining a job prospect.

Businesses looking to move to Kansas and those already calling Kansas home, may opt to either not locate here or to move or expand their businesses to another state that do allow for domestic partner benefits in order to attract a wider pool of human talent.

As a growing number of employers address sexual orientation and gender identity in their policies and programs, it is increasingly easy for GLBT workers to select more inclusive employers. Employers that do not treat gay and lesbian employees fairly are at a competitive disadvantage.

Business is leading the way by supporting diversity in general and GLBT rights in particular. Hundreds of national and state employers support GLBT employee groups. Over half of the Fortune 500 have domestic partner benefits. Countless companies include gays and lesbians in their diversity work for the same reasons they address racial and ethnic diversity: because doing so leads to better decision-making, happier and more productive employees and shows investors and consumers that the company truly values diversity in all its manifestations.

This amendment currently under consideration would be the only state amendment that would single out one class of Kansans for discrimination by ensuring that same-sex couples would not be granted the equal protections that marriage brings.

Moreover, part "b" of the amendment could strip same-sex couples of some of the more limited protections they now have, such as access to health insurance for domestic partners and their children. Without this health benefit, part b of this amendment could add to the already burdened health care costs that face the state. Neither enshrining discrimination in our state constitution nor stripping hundreds of families of basic protections would serve our state's best interest. The Constitution is designed to protect and ensure equal treatment for all people. It should not be used to single out a group of people for different treatment.

Thank you for your time and attention.

Susan Fairchild
President, Raytheon Aircraft Company GLBTA
10312 E. Mount Vernon St.
Wichita, Kansas 67207

House Committee of Federal and State Affairs
Re: Marriage Amendment Hearing

I am not here today to point out that the marriage definition in the first part of this proposed amendment is redundant because the "one man married to one woman" legislation already exists. And I am not here to remind this august body that unnecessary law is bad law. Nor do I think that you really need yet another person to tell you that any attempt to pass legislation that curtails freedoms and human rights instead of expanding them is regressive, counter-productive, and harmful, as well as a violation of human rights to life, liberty, and the pursuit of happiness.

Rather, I wish to discuss the unintended consequences of this far-too-broad alnquage, which would deny traditionally recognized rights of those who are not choosing to marry for various reasons. "No relationship, other than a marriage, shall be recognized by the state as entitling the parties to the rights or incidents of marriage."

If this legislation is passed, then my son's family could easily be destroyed. The language under consideration, if it became law, would logically lead to disqualifying them from the privileges and benefits of their chosen family arrangement. My son's defacto 6-year-old daughter would lose her health insurance, as would his defacto common-law female spouse. His defacto spouse and he can barely afford to put food on the table as it is. The economy has not improved sufficiently for him to get a better-paying job with his existing skills. He cannot afford to go to college right now because his spouse is attending college and working part-time. As little as he makes, even so, if they were to marry, his spouse would no longer be eligible for student support, which means that she could not improve her potential earning power by finishing her college degree. As it is, she qualifies for student financial aid based on her income. However, his current place of employment recognizes defacto relationships, and she and her daughter are presently covered by his health insurance. Therefore, in a misguided attempt to deny any benefits to same-gendered defacto couples, this legislation would remove benefits from male-female defacto or common law couples as well. In other words, even the first part of this proposed amendment would be horribly damaging to tens of thousands of Kansans. "The marriage contract is to be considered in law as a civil contract. Marriage shall be constituted by one man and one woman only. All other marriages are declared to be contrary to the public policy of this state and are void." Their common law marriage would become contrary to the public policy of this state and therefore void.

Private agreements between consenting adults would, if they center around issues of couple and family relationship, become void with the passage of this amendment. This bill, in effect, would attempt to legislate marriage for all purposes of family life, including, for example, living together for any reason, including child-rearing, sex, hospital visitation, and much more. These are all rights and incidents of marriage-type relationships. Have you considered the mayhem that would result from outlawing all common-law marriages in Kansas?

Similar situations exist with elderly defacto couples who, according to the proponents of this bill, are "living in sin", without benefits of legal marriage, in order to make ends meet with their too-small social security payments. Their benefits would drop if they were to marry, and so they do not marry. If you ask me, intruding into the private lives of people my parents' age is just asking for TMI: Too Much Information, as the kids say.

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Is it any of my business to tell my son that he should marry because I think that an official piece of paper legitimizes his and his spouse's union? What if he doesn't believe in the government's imprimatur as necessary for his life's choices? Well, he is a grown man, and his defacto wife is a grown woman who was married previously. Frankly, having been once married and divorced, she is in no hurry to marry again in order to please ANYone. They have made a financial decision as well as a lifestyle decision, and I will stand by their freedom to make their own lifestyle choices. And my son is a good daddy to his defacto wife's daughter. Does this committee really want to force families into deeper poverty and cause even more thousands of children to lose their health insurance in order to punish gays for daring to cohabit? I thought that an objective of this state would rather be to promote greater health coverage, rather than to curtail even what already-inadequate health insurance coverage now exists. I believed that Kansas would prefer to decrease stresses on families, or at the very least, to leave them alone, rather than adding yet one more worry.

What about my mother? Should I monitor my 87-year-old mother's living arrangements and dictate to her what choices she ought, in my opinion, to make? I worried about her when she was dating and became engaged about ten years ago. I asked her whether she understood what people were talking about when they mentioned the principles of "safe sex." I was stunned at the reversal in roles between myself and her, and I tried to be discreet and tactful in offering her the information I was afraid she needed. Her sorority sisters and bridge-playing friends told her not to marry her gentleman friend. "You've been through all that," they told her (referring to her marriage to my father for 52 years). "Just let them (one special man) date you, and enjoy your private life. It's nobody else's business," they advised. "At your age, the finances are just too messy, and marriage would just muddy the waters and upset your children. All the wills are made out. Just leave everything as it is," they counseled her. These were all women active in their churches, many of them with substantial estates, and most of them were Republicans. They were all more than 65 years of age, most in their 70's, 80's, or 90's.

My point is that lifestyle choices regarding marriage, common law, defacto relationships, or simple "shacking up" are based on many things, and that sensible, intelligent, principled adults from extremely varied religions, social strata, and backgrounds all make their own decisions for good reasons. They should not be obligated to explain or justify those reasons to anyone, particularly not to the state. Surely you would not say that octogenarians ought to be prohibited from having sex and in other ways enjoying the "rights and benefits of marriage", should those elderly who are fit, lively, and lucid enough so choose. The language of this proposed amendment is so broad that it could actually be interpreted to prohibit all sex outside of marriage, as well as the right to have any children in the home if there are not two adults or if the adults aren't married. If we are to raise our eyebrows about our parents' behavior, we would do well to keep our thoughts to ourselves. Many of them have waited all their lives to finally do as they please.

I am a social worker who has years of experience in working with families and children with emotional and behavioral problems, as well as in adoption social work with wards of the State of Kansas. Many of these families are barely hanging on to the edge of survival, and most poor, nontraditional families are functioning reasonably well. Can this state really afford to further

fragment any of the various nontraditional yet functional family units just to impose someone's "ideal family" appearance upon others? I would suggest that this state cannot afford to destroy functioning families merely to attempt to keep gay couples from benefiting from their unions. And please do not forget that some of the children who are now being lovingly well-cared-for are in families with parents who are both of one gender. We do not want those children to enter the social welfare system due to the unintended consequences of legislation aimed at hurting their parents.

Last but not least, I have a personal vested interest myself. Regrettably, after 28 years of marriage, my former husband and I have divorced. Although he remarried almost immediately, the terms of our divorce state that if I remarry I will lose even the small settlement I was awarded. Since then, I have begun to establish a healthy, loving relationship with a man who is an Australian citizen. It is in my own best interests that defacto relationships be recognized and honored, as I need that distinction to be able to live with him in Australia, or for him to live with me in the U.S. An Australian partnership visa does not require marriage, but it does require a relationship which confers the "rights and benefits" of marriage.

In addition, I would like to point out that common-law marriage has been recognized legally in Kansas in order to help protect women and children so that they can receive some share should the common-law arrangement end. That means that, even though they don't have to get married, they still have to get divorced after many years of common-law relationship, in many instances. This is for a very good reason, and it would be damaging to remove this safeguard. However, the parts of the proposed amendment which potentially eliminates any domestic arrangement other than legal marriage could easily be interpreted to remove even this well-thought-out safeguard. Defacto and common-law relationships have always been recognized in one way or another. Please do not try to change the very fabric of our society merely to punish one disenfranchised minority.

Any legislation that removes any existing civil safeguards is damaging to the society as a whole. This bill is a good example of regressive legislation. It has no place in a state that, until recent years, helped lead the nation in fostering increased human rights, particularly for women and for people of color.

I would much rather see this legislative body focus on what I regard as the true duties of our elected officials. These true duties, in my opinion, consist of bolstering a sagging economy, caring in an adequate and timely manner for those in state custody or who are in need of state assistance, figuring out how to increase and fairly apportion monies for the education of our population from kindergarten through college, and maintaining the infrastructure of roads, bridges, public utilities, and the like. I cannot believe that a so-called marriage amendment is the most important item on the agenda, and I am actually outraged to see it addressed at all. It has no place in these hallowed halls. These are private issues. These are individual decisions based on individual needs and beliefs, and wise legislators would do well to be sure they remain private.

Thank you.
Grace Ulrich

1/26/05

my name is Marylou Schmitt
Thank you for allowing me to speak

I am here to speak against the
ban on same sex marriage. I want
to start out by giving the meaning
of three different words I will be using
in my speech. ① Liberty - freedom from
restraint or arbitrary government
control; the right of doing, thinking
and speaking according to choice; the
right to political, social and
economic privilege. ② Freedom - State
of being exempt from servitude,
confinement or constraint; Political
liberty; outspokenness ③ Prejudice -
an opinion, judgement conceived
without proof or competent evidence;
based on what seems valid to one's
own mind; To jeopardize one's legal
rights or claims. And one more - By
the very fact of being born to
american parents the person is auto-
matically an citizen - an american citizen.

Our constitution assures every
american citizen the right to life, liberty,
and the pursuit of happiness. This
does not just apply (by means of
tizen) to people who are straight. I
feel if two men or two women love each
other and are willing to commit them
they should be allow to marry.

Gay pay taxes and contribute to
the community in many different u
own their homes and business
they vote

How many soldiers, firemen a
policemen, who happen to be
have died doing their jobs, is
Chaplin of the NYFD who died for
last rites to his fellow firemen
was gay. One of the passengers on
93 on 9/11 who helped bring
the terrorists was gay.

I feel the main reason some of
our members of our legislature are
wanting to pass this ban is because
of their religious beliefs. Everyone has
the right to their religious beliefs
but if they are in government I feel
they should put aside these beliefs
and do what is best for all their
constituents. Religion has no
business in government.

If you can see everyone without
prejudice you know you must vote
against the ban.

Kansas in the past has been made fun
of because of what some people see as
antiquated ideas. Let's show the rest of
the country, and the world, that we are
a very enlightened people
Mary Lou Schmitt

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IRS

ing against Resolution No. 1601:
Amendment to Article 15 of the Constitution of the State of Kansas
January 26, 2005
Kansas Legislature Committee Hearings
The Rev. Jayne M. Thompson
Evangelical Lutheran Church in America

Honorable John Edmonds and honorable Committee members, thank you for providing the citizens of this state the opportunity to address the legislators on this important matter of justice and civil rights for sexual minority people. I am compelled to speak against this attempt to further embed discrimination and oppression by those who appeal to Holy Scripture, the Hebrew and Greek Testaments we know as the Bible.

It is an unfortunate fact of human history that Holy writ of many a religious community has been and continues to be used to perpetuate oppression and discrimination. The now-illegal practices of slavery, the oppression and discrimination against African Americans and other minority communities have been justified on the basis on passages from the Bible.

Women have been subject to religious oppression and one can simply recall the efforts of faithful women like Susan B. Anthony and Sojourner Truth to appreciate their toil against religious intolerance as they struggled to secure the rights of women to vote in this country. In many places in this country and throughout the world, women are still not afforded the same rights and freedoms as men and this is often justified on the basis of religious tradition and Holy Scripture.

The Bible contains a scant 6-7 verses that scholars suggest address same gender sexual encounters. The authors of such texts did not have any idea or understanding, as we do now, about the matters of sexual orientation. Biblical scholars of many denominations and faith communities debate the meanings of these texts endlessly. We simply do not have time to elucidate the nuances for the purposes of this hearing.

As to the notion that the Bible is uniform in its support of opposite-gender marriage as we understand it today, nothing could be further from the truth. The Bible supports men having multiple wives, outlines the laws denoting the exchange of women in legal marriage as the “property” of men and laws to address the abuse of said “property.” Over the decades, human beings have changed how they have understood these biblical texts and we came to understand that these are not the values that we espouse in this land. While it may seem difficult for some to accept, on occasion the Bible does speak of what we now call sexual abuse of women as tolerated and, at times, expected. These are not the values we uphold for the citizens of this state.

In our venerable, but relatively new experiment of democracy, as a nation, we seek liberty and justice for all.

As I have stated, we have not done so flawlessly, but rather haltingly, ever straining forward toward the goal of securing the rights of all citizens. Our Constitution and the Bill of Rights guarantee the religious rights and freedom for all, not just a select few.

The current law KSA 23-101 defines marriage as a civil contract between two parties who are of the opposite sex. As former Senator Lana Oleen indicated last year, there is no need to amend current law since Civil Marriage is already defined as such.

Civil Marriage is a matter for the State of Kansas to provide. Some religious communities authorize their leaders to perform same-gender blessings or holy union services. This is different and separate from Civil Marriage. No religious leader is compelled to perform marriage for any couple, but rather is afforded the freedom to determine whether they will officiate over the service. The Constitution protects our freedom to do so. The Constitution also ought to protect the rights of same-gender couples who wish to enter into a legally binding, civil relationship without the interference from certain religious leaders who do not believe that they ought to be united. As I stated, some religious leaders throughout history and to this present date have supported the rights of same-gender couples to be united.

I know that many same-gender couples can and do share the same values in marriage as many opposite-gender couples: mutuality, fidelity, love, respect, commitment to their families and communities and care for their civic responsibilities. By the same token, all couples can fall short of ideal behavior and relationships can falter. All couples need the support and the protections of the law. All couples need fair and equal treatment. We do not value nor should we support selected and enforced discrimination.

Same-gender couples are not a threat to opposite-gender couples. The support of healthy, enduring relationships for all couples can only serve to strengthen our communities and institutions. This is what we must strive for in our efforts to create a just and fair society.

Res. 1601 is an attempt to further oppress gay and lesbian people by excluding them from the civil rights and benefits afforded to others. It is reflective of a disturbing and continuing trend to discriminate against minority citizens in our fine state. Instead of concentrating so much time, money and energy working to oppress a group of people, our government needs to work to defend the rights of our citizens and to ensure that liberty and justice for all prevail.

Thank you.



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Statement of Richard F. Hayse
On behalf of the Kansas Bar Association
in opposition to passage of SCR 1601

The Constitution of the State of Kansas, like the U.S. Constitution, contains a Bill of Rights. In Kansas there are twenty sections devoted to insuring protection of citizens from government attempts to infringe on individual rights. These include Section 1: "All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness." Other guarantees of rights include the right of peaceable assembly in Section 3; the right to bear arms for defense and security in Section 4; the right of trial by jury in Section 5; and the prohibition of slavery or involuntary servitude in Section 6.

Section 7 of the Kansas Bill of Rights says, in part: "The right to worship God according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend or support any form of worship; 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."

Other sections continue the pattern of guaranteeing rights of individuals, and Section 20 concludes the Bill of Rights as follows: "This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people."

The Kansas Constitution contains only two instances in which the constitutional language permits a restriction on the rights of a minority group of citizens. Section 17 of the Bill of Rights allows the legislature to regulate the rights of aliens with regard to the "purchase, enjoyment or descent of property." And Article 5, Section 2 permits the legislature to deny voting rights to the mentally ill, prison inmates or felons. In neither instance is the restriction absolute; the discretion is vested in the legislature to pass laws on the subject.

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The proposed amendment which is the subject of this Concurrent Resolution is apparently intended to accomplish two goals. The first would be to permanently define marriage as the union of one man and one woman, which in effect is current Kansas law under K.S.A. 23-101 Supp. That statute was originally enacted in 1867, then amended by the legislature in 1868, re-enacted in 1923, amended in 1980, 1996 and most recently in 2002. No such future changes would be allowed if this amendment became part of the Constitution; the discretion of this body would be forever curtailed.

The second effect of the amendment would be to permanently deny the possibility that same-sex couples could enter into civil unions or domestic partnerships or whatever term the legislature might attach to such relationships. That language is found in Lines 26 and 27 of SCR 1601: "No relationship, other than a marriage, shall be recognized by the state as entitling the parties to the rights or incidents of marriage." In other words, same-sex couples would forever be denied the right to enjoy any of the legal incidents which flow from the marriage relationship to the benefit of opposite-sex couples, in the event the legislature should ever deem it appropriate to extend those rights. For example, the right to inherit property by intestate succession in the absence of a will or trust is now a benefit enjoyed by widows or widowers in this state, but would never be possible for same-sex couples.

The Concurrent Resolution under consideration at this time would thus request voters to decide something completely unprecedented in our constitutional history. If approved by this House, the Resolution would allow voters to enshrine in our Constitution an absolute prohibition against the possibility that a minority class of citizens could ever be allowed by the legislature to enjoy certain rights available to the majority. Even though those rights may presently be denied by the laws of this state, the legislature would be given no discretion to modify current law to adapt to future events or to a change in perceptions by the body politic.

Furthermore, the amendment language contained in the Resolution contains an attempted evasion of the Full Faith and Credit Clause of the U.S. Constitution. By denying recognition to any relationship other than a marriage between one man and one woman, the amendment would constitutionally deny validity to other marriages that may be valid under the laws of another jurisdiction. This would leave Kansas citizens who may have been legally married in another state or country in legal limbo in this state, and would invite reciprocal treatment by other jurisdictions for the effect of laws of this state.

In addition, placing such an amendment into our Constitution invites future discrimination against other classes of people who may be unpopular or offensive to a vocal group of the residents of this state. This amendment would reopen doors, which we thought we had closed long ago. Amending the constitution in this fashion is simply bad legal and constitutional policy, and that is why the Kansas Bar Association opposes passage of SCR 1601.

We want there to be no misunderstanding about the KBA's position today. The Kansas Bar Association is not intending to be a part of the debate over the wisdom of present Kansas law, or whether same-sex couples should be allowed to marry, or whether the Legislature should enact legislation to authorize civil unions or other forms of legal relationships between persons of the same sex. The position of the organized bar is that those are matters which are properly left to the discretion and collective wisdom of the Legislature in the decades to come to serve the best interests of all the citizens of Kansas.

January 26, 2005

* * *



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Executive Director

To: Representative John Edmonds and members of the
House Federal and State Affairs Committee

From: Rev. Marcia Fleischman, Co-Pastor Broadway
Church and Member -- The MAINstream Coalition

Re: SCR 1601

Date: January 27, 2005

The MAINstream Coalition, is a non-partisan group of moderate religious, business, political and community leaders, founded in 1993. We count over 2,500 members on our rolls. Our mission is to serve as a counter-voice to those religious and political extremists who would threaten constitutional freedoms. We support the Constitutional guarantee and historical precedent of religion /government separation.

In 2004 the MAINstream Coalition formulated a policy on Same-Sex Marriage that says:

We support the legislative process as the appropriate venue for defining rights and obligations of long-term, personal commitments, including marriage and/or civil unions.

We support the rights of individual religious groups to determine what constitutes marriage for religious purposes.

We oppose a constitutional amendment that has the effect of discriminating against any class of citizens.

We urge members of this committee to reject the addition of discriminatory language to our Constitution. Our state has a time-tested, court-tested, statute that already insures that no same-sex marriages will occur. A constitutional amendment is an unnecessary and sad statement for our legislature to make, driven, we think, more by temporary political expediency than truly rational reasoning.

Thank you for your consideration.

FEDERAL AND STATE AFFAIRS

Date 1-26-05

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Statement Against a Ban on Gay Marriage
Rev. Marcia C. Fleischman Co-Pastor Broadway Church
Residence: 9605 Manor Road
Leawood 913-341-5452

Mr. Chairman and Committee Members;

I come today to ask you to refuse to pass a Constitutional Ban against Gay Americans. Today, in a press conference, once again President Bush reiterated that he wants to spread freedom across the world to create governments that respect human rights and human dignity.

By passing a ban on gay marriage you will be using the Constitution which is supposed to grant and protect the rights of citizens, to deny gays the rights to legally marry.

My nephew is in Iraq fighting to make those people free while my legislature is here in Kansas trying to take away the freedom of my gay brothers and sisters.

“Bring me your tired, your poor, you huddled masses yearning to breathe free. The wretched refuse of your teeming shore, send these the homeless, tempest-tost to me. I lift my lamp beside the golden door!”

These, of course, are the words written on the Statue of Liberty. This is the essence of America.

Jesus said, in Matthew 25: “I was hungry and you gave me something to eat. I was thirsty and you gave me something to drink. I was a stranger and you took me in. Whatever you do to the least of these members of my family, you do to me.”

Passing a Constitutional amendment to deny our gay brothers and sisters the right to marry, to pursue life, liberty and the pursuit of happiness is Anti-American and Anti-Christ.

Perfect love casts out fear. Let us create a more loving place to live in Kansas.

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Attachment 38

Oppose SCR1601 More than defining marriage

SCR1601 affects more than same-sex relationships. Section B of the proposed amendment reads, "No relationship, other than a marriage, shall be recognized by the state as entitling the parties to the rights or incidents of marriage." This broad language will jeopardize more than the possibility of future civil unions or domestic partnerships in Kansas.

It is still unclear what effect SCR1601 will have on common-law marriage, a state-recognized relationship that grants the benefits of formal marriage (such as the power of medical attorney) to opposite-sex couples who meet certain requirements. Common-law marriages have been recognized for over a century in Kansas. It would be rash and unwise to endanger these relationships now.

The consequences of SCR1601 have not been adequately analyzed. The proposed amendment would prohibit the KU Medical Center from providing healthcare to same-sex partners as it currently does. Whether Section B would interfere with the decisions of private entities to provide benefits for domestic partners has yet to be determined. Businesses that offer these benefits, such as Boeing, Cessna, Sprint, as well as the KU Medical Center, are vital to the Kansas economy.

These businesses have stated the importance of benefits for domestic partners in attracting and retaining the most highly-qualified employees. Even if they are allowed to provide these benefits under SCR1601, businesses may prefer states that are accepting of all of their employees. It would be fiscally unsound to deter development in this way, especially considering the state of the economy in Kansas.

It is unfair to ask Kansas voters to decide on two issues in one ballot initiative. Clearly, there are a number of complex issues involved in Section B of SCR1601 that need to be resolved in thoughtful deliberation on the part of the Kansas Legislature. The conflation of all of these issues into a single ballot initiative is as dangerous as it is unfair.

If SCR1601 is passed and placed on a ballot, Kansans will not only be asked whether or not they support a constitutional amendment defining marriage as a relationship with one man and one woman. They will be asked whether they would deny an unmarried couple the right to hospital visits. They will be asked whether they would deny an unmarried couple the right to jointly own and inherit property. They will be asked whether they would deny an unmarried couple the power of medical attorney.

People will vote their consciences on the first question – the definition of marriage. The institution of marriage is one that many Kansans are passionate about, carrying various religious and traditional underpinnings. It is wrong to take advantage of voters by forcing them to answer all of these questions, along with the many more that will arise as a result of such ill-conceived legislation, with a single word.

Kansans deserve more than to be manipulated in this way. Vote "No" on SCR1601.

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Date 1-26-05

Attachment 39

Stephanie A. Bryson

Testimony to the Kansas House of Representatives

January 26, 2005

Opposing SCR1601

Thank you for allowing me to speak to you this afternoon, Representatives.

As a citizen of Kansas and as a lifelong member of the Episcopal Church, I am deeply saddened by the legislation before you. The parish in which I was raised, in socially conservative eastern New Mexico (ten miles from the Texas border), and the diocese of which I was a part, were both deeply committed to loving and serving the Lord through social responsibility. Despite being raised this way, it was hard to miss the virulent homophobia everywhere around me at school and in popular culture. When I was in high school, I asked my favorite priests, Father Rocky and Father Michael, what God and the Church thought about my lesbian friend, Sherry. They answered that Jesus was the fully human son of god, and that sexual orientation was simply a part of one's development, of one's journey to become fully human.

Over the years, I have had many conversations with my religious friends about sexual orientation and civil liberties. My friend Dennis, a Catholic, suggested that I read a statement by Vaughn Roste, the son of two Lutheran pastors, about the ten reasons Christians should support same sex marriage. Dennis and I both find that this statement beautifully summarizes our own feelings about Christianity and sexual orientation. I've

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adapted parts of this statement and want to share it with you, as it brings light to issues that languish in the dark of fear and prejudice.

Ten Reasons Why Christians Should Support Same-Sex Marriage

By Vaughn Roste

Most of the reasons proposed against same-sex marriage are in fact arguments against homosexuality in general, which is a useless argument to be had in the first place (as if one chooses between homo- or heterosexuality based on logic)...Opposition to same-sex marriage need not be labeled religious, as the Christian camp is by no means united on this matter. Naturally, I can only speak from the perspective of my own religion, Christianity, but I thought I would offer my own contribution to the debate: ten reasons why Christians should support same-sex marriage.

1. **Because Christians support equal rights for all Americans (indeed, all humans).** The “special rights” argument is patently false - this is obviously a clear case of all citizens being treated exactly equally with respect to all of the societal approbations that are associated with marriage: inheritance, taxation, hospital visitation rights etc. What is special about gays and lesbians being granted the same rights heterosexual couples already have?
2. **Because Christians have long benefited from the freedom of religion in this country, and would want to continue to respect this freedom.** Even if you personally don't approve of same-sex marriage, you might at least recognize that there are several other denominations who are in favor of same-sex marriage or who oppose amending state and federal constitutions: the Alliance of Baptists, the

American Friends Service Committee (Quaker), the Christian Church (Disciples of Christ), the Episcopal Church USA, the Evangelical Lutheran Church in America, and Metropolitan Community Churches, just to name some. To deny any religious groups' belief to practice same-sex marriage... violates a belief in the freedom of religion for all.

3. **Because modern Christians realize that marriage has nothing to do with procreation.** Often a primary objection to same-sex marriages is that gays and lesbians cannot bear children. Not only is this narrow-minded and untrue (many creative solutions are available to the same-sex couple that desires to raise children), it's a double-standard. No one tests heterosexuals for their fertility or desire to raise children before determining their suitability for marriage... Inasmuch as any heterosexual couple that has remained childless has been recognized as married by the church, it is hypocritical to resort to this fallacious logic in the same-sex marriage debate.
4. **Because Christians should support marriage in all of its forms.** Some claim that same-sex marriage is an attack on family values, but this is incorrect. On the contrary, it is an attempt by gay, lesbian, bisexual and transgender people to be legally recognized as having families in the first place. It is ridiculous to claim that only the "traditional" nuclear family model is legitimate when less than half of American families currently conform to this model anyway.
5. **Because Christians realize that the Church has been discriminatory in the past and would seek amends for that.** Formerly, the Church denigrated "homosexual promiscuity" without making available any other option (a

recognized covenanted relationship). The Christian support of same-sex marriage thus can end a hypocritical position of the Church and give the Church more relevance to contemporary society. Many agree that Christians should be opposed to discrimination in any form...The U.S. Supreme Court has already determined that "separate but equal" is not.

6. **Because Christians realize that marriage has never been a static institution, and therefore there is no reason that it should be now.** From its early origin as property exchange, to a method of ensuring peace between nations, to being recognized as a church function only in the thirteenth century, to the recent questioning of the "God-given" roles for men and women, the institution of marriage has always been in a state of flux. Things once illegal, such as miscegenation and the marriage of the mentally handicapped, are now permitted. To arbitrarily decide that now marriage has evolved as far as it should according to a 1950's definition is to deny any possible subsequent influence of the Holy Spirit in our world
7. **Because Christians support the separation of Church and State.** Our constitution is founded on a separation of church and state. The position that the Church should define the law in this country is ignorant of the centuries of problems that that historical situation created. In accordance with freedom of religion in the United States, modern Christians realize that the insertion of the Christian God into government only spells trouble for those who do not have the right NOT to believe in that God. In a time of such cultural

diversity, Christians may wish they could dictate law for the rest of the country, but this is not in keeping with the U.S. Constitution.

8. **Because Christians have long known that the Church should not determine legal policy.** Further to the above, Christians believe in following one's own conscience, even when that entails opposing the official policy of one's church. Catholics believe that each person has a solemn moral obligation to adhere to the dictates of his or her conscience, over and above the dictates of the Church. As a prominent Cardinal has written: "Only the absoluteness of conscience is the antithesis to tyranny." Within Protestantism the case is even easier, as the entire tradition is ultimately based upon an individual acting according to the dictates of his conscience—by, for example, nailing up 95 theses to the wall of a church as Luther did. To stand up and challenge the dominant authority is a practice firmly rooted and celebrated in Protestant tradition.
9. **Because Christians realize that to hold up marriage as for heterosexuals only is not only discriminatory, it also borders on idolatry.** Just as the Pharisees in Jesus' day were maligned for counting their dill seeds while neglecting justice and mercy (Mathew 23:23), Christians today realize that marriage was created for humankind, not the opposite. Jesus' words in Mark 2:27 are an interesting parallel to the contemporary situation. Marriage is a tool for developing honest, voluntary, long-lasting and mutually accountable relationships between two people, and Christians realize that that is a laudable goal for two people of any gender and seek to promote that.

10. **Because Christians believe in the supremacy of God, not the supremacy of government.** Even those who consider homosexual behavior to be sinful can believe in the equality of all people under the government. Christians realize that many sins are not covered by the Criminal Code, nor should they be, as they are more matters of individual conscience. Ultimately, Christians can take solace in the fact that all will be judged fairly before God, and leave it to God to do the judging. In the meantime, one can work toward the most equitable society possible on this earth: this is what Jesus would have us do.

It is only through supporting same-sex marriage that the Christian Church will be able to live up to its own standard of communicating the unconditional love of God and the radical inclusiveness of the Gospel of Jesus Christ to the entire world.

Thank you.

My name is Angela Hollman, and I have spent most my life living in Kansas. Just like many of you, I wear several "hats". I am a mother, student, daughter, sister, aunt, cousin, friend, etc. This amendment is telling some Kansans they are not worthy of wearing the same "hats" other Kansans are. I am here tonight to urge to you vote no on the marriage amendment.

When looking over this topic, I keep hearing a college professor I have. His big question is, "What is the problem?" I have asked proponents this question, and I'd like to discuss with you the two answers I keep hearing. The first answer I hear regarding same-sex marriage is that it will destroy the sanctity of marriage. I want you to think about this for a moment. How do two people in a committed relationship destroy the meaning of another couple's relationship? I could not come up with an answer to that. I wonder if any of you can. I continued to think about the "sanctity" of marriage, and here are some of the images that came to mind for me:

1. Celebrities who "inspire" our children getting married multiple times and/or having marriages last an insulting amount of time (55 hours).
2. Television programs such as Who Wants to Marry a Millionaire, Who Wants to Marry My Dad, or Wife Swap.
3. The Elvis drive thru chapel in Las Vegas.

Now, I ask you – are the same people who are emailing you, calling you, or testifying regarding this amendment spending time trying to get the heterosexual community to respect the sanctity of marriage? I think not.

The second answer I hear is the interpretation of the Bible. Each one of us in this room have different interpretations of the Bible. However, that is irrelevant. We live in a democracy, not theocracy. If we are going to amend our lives according to the bible, then we will start regressing decades. Men no longer have multiple wives, and we don't allow concubines openly. As a society, we have learned to use the bible as a reason only when it suits us. Let's not forget the separation of church and state.

So, again, I ask – what is the problem? The problem is bigotry and discrimination. Our constitution is meant for freedom, and this amendment is the exact opposite of that. I beg you to take this into deep consideration, and ask yourselves if you honestly believe it is right to discriminate against a class of people.

Re: SCR1601

Chairman Edmonds and distinguished members of the committee, thank you for the opportunity to submit my testimony today in opposition of Senate Concurrent Resolution 1601 which would amend the Kansas State Constitution. My name is Deborah Holroyd and I am a citizen of Topeka within the great State of Kansas.

As a mother of two very beautiful children, I am cognizant to raise them to obey the laws and constitution of this great state. This document reflects the grand heritage of our state and the virtues of those who call it home. In studying the history of Kansas, I was always proud of the efforts of our leaders to stand up for the rights of others. Our forefathers fought against the enslavement and degradation of African-Americans, while many states around us chose to allow the inhumane practice. We were not tolerant of such practices as they blatantly violated the Declaration's pledge that "*all men are created equal*", and disallowed their inalienable right to "*life, liberty, and the pursuit of happiness*". Today, I am ashamed that I see the great State of Kansas is following such states as Louisiana and Missouri, both with a history of supporting bigotry, down the path of discrimination instead of leading the nation towards tolerance and freedom.

In speaking with my children about images of hate and intolerance that they are subject to throughout our fair City of Topeka, I am careful to teach them that these people are merely misguided, but that we should not hate them or treat them rudely as the Golden Rule applies to everyone, including ourselves. Therefore, if discriminating against one group of people is right, then it would also be just for other groups to discriminate against us. I see a very black hole ahead for our historically tolerant and free state.

By carving out such a useless amendment to our solemn constitution, I am very fearful that there will be no end. Do we need an amendment to state that killing Kansans will result in prosecution? Shall we alter our most sacred document to read that we do not accept inhumane acts towards animals? These would be ludicrous to include in the Constitution as there are already laws governing these acts. So too is there a law, previously upheld by the Kansas Supreme Court, that bans the marriage between people of the same gender.

Thank you very much for the opportunity to provide my testimony in opposition of Senate Concurrent Resolution 1601. I look forward to raising my children in a state that continues to believe in freedom and liberty for all, and not in a bigoted Kansas where certain groups of humans are not afforded the same rights of the majority. Let me leave with a quote from the first Republican, Abraham Lincoln, who said, "*Those who deny freedom to others, deserve it not for themselves.*"

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 42

Gay Marriage Amendment

Testimony in opposition

Donna L Mitchell-Ayers

Wichita Kansas

Members of the House Committee of Federal and State Affairs;

I urge each of you to carefully weigh this bill before approving it for vote before the full House.

I was born and raised in Kansas and have always been proud to call myself a citizen. When others would attack us because we appear to be a little behind the times and move at a slower pace, I tell them it is refreshing to find a place that does not make hasty decisions. It is a wonderful place to raise children. While there is crime in our State, levels are lower than most other places and, for the most part, we have a great education system. I have continued to live here as an adult because I have not felt discriminated against. I was willing to work quietly to change things. I can no longer sit quietly by and let my rights be taken away.

During the rise of the Kansas Territory and eventually the achievement of Statehood, our great State faced many obstacles. The questions concerning slavery and the position Kansas would take in this matter led to a border war with Missouri, giving our State the nickname, Bleeding Kansas. I have always been proud of this time in our history. John Brown, whether you view him as a lunatic or hero, gave Kansas a legacy based on freedoms. His influence in our history is marked by the beautiful mural that graces the walls of our Capital Building. I can

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remember as a young woman going to the Capital to be a page in the House and standing for what felt like hours looking at this mural. From Brown's wild hair to the look on his face, I believed that Kansas would defend its citizens with the same ferocity that is still evident on his face. Am I wrong? Is Kansas becoming a land of hatred, where to be different is to be cast aside?

My partner and I are in the process of adopting a sibling group through the State. We have taken all of the necessary classes and had a home study done. This home study has been approved by the State, giving us the right to adopt. Unfortunately, only one of us will be the children's legal parent. It is unfair that our children will be adopted by a loving, caring family that only one parent has full legal rights. The only protections our children will have are the ones we build into our lives. We are good enough to adopt children that are in the custody of the State, because their straight parents abused them, but we are not good enough to have the right together to protect our children. I see a problem with this logic.

Our children will be raised in a Christian household and taught that just because someone appears to be different, that it does not make them a bad person. When they ask, and they will ask, why we are not married, we will tell them the truth. In our hearts we are married but we live in a State that chooses to not allow marriage for parents of the same sex. Our children will believe in God's love for all people, because the Bible tells us to "love our neighbor as ourselves". The Bible also tells us not to judge other people, because how we judge, so too shall we be judged.

I urge each of you to rise above the pressure placed on you by those who would write discrimination into our Constitution and do the right thing. Send a message that Kansas is a state that believes in the principles of love and acceptance and that hatred and prejudices should be checked at the border. Let it be known that all citizens are treated equally. This bill breeds intolerance which will lead to citizens being oppressed, being beaten and killed, again giving Kansas the title of Bleeding Kansas.

Respectfully,

Donna L Mitchell-Ayers

Concerned Citizen

Diane Silver
Written Testimony for the House Federal and State Affairs Committee
January 2005

I am presenting this written testimony as a concerned citizen and mother to speak in vehement opposition to SCR 1601.

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 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.

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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 will target our families for generations to come.

Members of the House Committee,

As a Kansas citizen I want to urge you to vote NO on this Marriage Amendment that will be before you this week. There seems no need to amend the constitution nor to make any new laws to protect the so called "Sanctity of Marriage" as there are already laws on the books stating what a marriage in Kansas consists. What I call upon you to do as decent human beings is to not further discriminate against a minority class of citizens by such harsh means.

I am positive that each and every one of you has a friend, co-worker, brother, sister, cousin, child or some relative, neighbor or acquaintance that is Gay. Many will hide the fact that they are Gay from you because of all the discrimination and hatred towards Gay people. Many Gay people suffer because of not being able to live openly and freely as God intended for them to live. Gay people give and contribute much to our society and to openly write laws that openly discriminate and dehumanize them is just not acceptable in our society in the twenty-first century.

If marriage is so threatened by a Gay loving couple to share in that institution that allows for protection of "rights" given to Hetrosexual Marriage Couples then marriage itself is endanger. Did you know that centuries before the "Civil Marriage Ceremonies" were conducted, that the only marriage ceremonies we done between gay couples? (Christianity, Social Tolerance, and Homosexuality by John Bösweil, Univerity of Chicago Press, 1980) Then the laws started to be written to prevent this and only Hetrosexuals were allowed to partake of the ceremonies the Gay people had created.

Most Kansas citizens do not write or call to representatives about such issues as they do not have the time. Many believe that it is a waste of their time to be heard as what they have to say goes on deaf ears. I have many friends and associates that feel as I do that this "Marriage Amendment" is not right for Kansas. Therefore, on behalf of them and myself I want to urge you to vote "NO" on this amendment.

Do not let religious bigotry be your guiding force in making this decision. If God created everything, then he also created Gay people. They are just as much loved by God and everyone else. Being Gay is not a choice, but a gift from God.

Larry Gilbert
11047 McCall Dr.
Oskaloosa, KS 66066

FEDERAL AND STATE AFFAIRS

Date 1-26-05
Attachment 45

Written testimony in opposition to SCR-1601

I am a social worker who provides services for survivors of domestic violence. I am very concerned about our state's consideration of this constitutional amendment. I believe that this amendment leaves our state open to many and varied unintended consequences. In particular, I believe that this amendment may cause complications—and increased risk—for women who are victims of domestic violence.

Already we are seeing the unintended consequences of similar amendments in other states. For example, in Utah a heterosexual woman was denied access to a Protection from Abuse order due to her unmarried status. The idea behind this denial was that this protection is a benefit of legal marriage only. There are so many different relationships that cause individuals to seek Protection from Abuse orders that are not spousal, we must protect these women and their access to equal protection under the law. The way the proposed amendment is structured does not allow for these protections for anyone other than those who are legally, constitutionally married. Furthermore, it allows entirely too much interpretation of what the "rights and incidents of marriage" might be, which leaves a large number of rights open to elimination for all individuals who are not married regardless of their sexual orientation.

If we begin to deny the "rights and incidents of marriage" to certain individuals without defining what those rights and incidents are, we subject other citizens (other than those for whom the limits were intended) to a myriad of unintended consequences. It is my personal belief that this amendment can significantly increase the risks that women who are fleeing their own homes in danger will face.

I feel that this amendment to our state constitution completely ignores the safety of women and children who are in danger due to family violence. For example, if we only allow medical decisions to be made by a constitutionally approved spouse, what happens if the woman is in the hospital due to injuries inflicted by that spouse? While this sort of situation seems unlikely to some, I believe that the rights of unmarried and married women throughout the state are in jeopardy in the face of this amendment.

While partner abuse with the gay and lesbian population is rare, it does happen, and this amendment completely violates the rights of members of that population who may need to seek assistance and protection from abusive partners. By invalidating their relationship completely as far as the state is concerned, we open all of these individuals (and the agencies that attempt to provide them with assistance) to great vulnerability.

When you allow everyone in long-term committed relationships the same benefits, you allow for more consistent and effective protection to those who find themselves in danger from their partners. When you start to amend constitutions using vague and imprecise language, you put all of those people in danger.

While this testimony is in opposition to the entire amendment, I would like to add that I am most especially in opposition to subsection b. I feel that this section is so vague as to be the most profoundly dangerous part of this amendment. I feel that this committee should consider at least eliminating this portion of the amendment if they feel that they cannot vote no on its entirety.

Thank you for your consideration of my testimony.

Sincerely,

Shay K. O'Brien

1046 Ohio St. Apt. B

Lawrence, KS 66044

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Date 1-26-05

Attachment 46

To: Federal and State Affairs Committee
Re: SCR1601

I am a 59 year old heterosexual woman who has been married for over 26 years. And I disagree strongly with the proposed constitutional amendment that would ban homosexual marriages and civil unions.

This proposed amendment would enshrine a particular religious viewpoint in our state constitution. The founders of our nation were very wise in declaring the principal of separation of church and state. As our nation has become more diversified, this principal becomes even more important. Amending the constitution in order to satisfy a particular religious viewpoint is a serious threat to one of the founding principles of our nation.

This proposed amendment is unbelievably mean-spirited in reaching beyond marriage to deny the benefits of marriage. I speak from some experience here. 24 years ago we adopted a baby boy. Months before the adoption could be legalized, he died of meningitis. When he was first brought into intensive care we were informed that we had no legal standing and would not be allowed to see him, to stand by him, to make decisions on his care. Thank God we had a caring social worker who intervened in our behalf, and we were able to be with him.

Loving same-sex couples find themselves in the position we were in, with no legal standing in each others' lives, dependent on the compassion of others, as we were. Here are some specific instances.

1. A woman died, leaving a 6 year old son who had spent his whole life with his two mothers. Thank God the dead woman's parents supported his adoption by his other mother. I cannot imagine his heartbreak and shock if he had been ripped from his home. But this amendment would discourage protecting children from such potential trauma.
2. A friend's partner died of AIDS. Again, he was lucky that the hospital recognized his place in his partner's life, and allowed him to make medical decisions when his partner was unable to. Would you like strangers determining what happened at the end of your life? Would you like the person you loved and shared your life with barred from your hospital room as you were dying? But this amendment would discourage the humane recognition of such human realities.
3. A friend of ours has a government job, with the ensuing government benefits. But her partner and their child do not share in these benefits. How is it in the interest of the state to say that this child can never benefit from his mother's health insurance? But that is what this amendment would do.

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This proposed amendment is often described as in defense of marriage. But marriage is not threatened by the union of same-sex couples. Families are weakend, not strengthened, by this proposed amendment. Its only effect will be to create anguish and heartbreak. I urge you to vote against it.

Judy Roitman
2527 Harvard Rd
Lawrence, KS 66049

**TESTIMONY OF RACHAEL K. PIRNER, VALLEY CENTER, KANSAS
BEFORE THE FEDERAL AND STATE AFFAIRS COMMITTEE
OF THE KANSAS HOUSE OF REPRESENTATIVES
JANUARY 26, 2005**

Mr. Chairman and members of the Committee,

I know a woman. She is 32 years old. On Tuesday, January 18, 2005 she was told by her physician that she had cancer in her kidneys and had ten days or less to live. Her doctor referred her to hospice so that she could die at home. That same day her parents, who are from out of state, found out that she is gay and has been in a three-year relationship. The woman, with the death sentence, is my client.

I am a lawyer in private practice and have chosen to provide pro bono legal work for hospice patients since beginning my practice 15 years ago.

I met my client, her parents and her partner on January 20, 2005. The meeting lasted three hours. The duration of the meeting was not because my client's estate was complicated but because probate law does not allow her the same legal options that a husband and wife who reside in Kansas have. After much discussion a strategy was decided upon. The result of that strategy is to attempt to pass my client's property outside of a probate estate in part to her partner and in part to her family.

I prepared the documents and returned for an additional two hour meeting with my client on January 21, 2005. Her health decline was apparent. She signed her Last Will and other documents and I advised her parents and partner that I could not be sure that the strategy to pass the property without the necessity of probate would work—advice that would not have been necessary if my client had been married.

That night, on my way home, I thought about what it would be like to get a 10-day death sentence. Then I thought about what it would be like to find out that I would be forced to squander my precious last hours attempting to ensure that my loved ones could receive my assets. I thought about the fact that she had so little time to spend with the people that matter to her and that she matters to. I am sorry that a chunk of her time, her partner's time and her family's time was spent with her lawyer, a stranger.

SCR 1601 is wrong. I am quite sure that you have heard or will hear all of the legal and economic reasons it is wrong, but the purpose of my testimony is to put a face on discrimination. There are those who will say that the law can somehow be applied in such a way that homosexual Kansans are able to achieve the same legal results as our heterosexual Kansans. Sadly, in my client's case, the reality of that legal result is unknown and will remain that way until after her death. What is even sadder is that she spent her precious last few hours dealing with a stranger and worrying about legal issues instead of spending time with her loved ones. It is unconscionable.

Please vote to oppose Senate Concurrent Resolution No. 1601.

FEDERAL AND STATE AFFAIRS
Date 1-26-05
Attachment 48

STATE OF OHIO

:

A F F I D A V I T

:SS

COUNTY OF CUYAHOGA :

CATHLEEN ALEXANDER, being duly sworn, deposes and says:

1. She is Executive Director of Domestic Violence Center, Ohio's oldest battered women's shelter and now a premier provider of comprehensive services to victims of domestic violence and their families.
2. She is a Licensed Independent Social Worker with nineteen years' experience working with families beset with domestic violence.
3. Ohio Revised Code, Section 2919.25, is the State's Criminal Domestic Violence Statute providing protection to family or household members; a household member is defined partially as, "...Any of the following who is residing or has resided with the offender: (i) A spouse, a person living as a spouse, or a former spouse of the offender; ..."
4. On November 2, 2004, Ohio voters adopted an amendment to the Ohio Constitution which reads, "Only a union between one man and one woman may be a marriage valid in or recognized by this state and its political subdivisions. This state and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage."
5. As soon as this amendment became effective, attorneys from the office of the Public Defender of Cuyahoga County, Ohio, began filing a Motion to Dismiss any domestic violence charge against any unmarried client of that office who was accused of domestic violence arising from his or her relationship with the purported victim with whom he or she lived as a spouse on the grounds that that provision of the Section 2919.25, Revised Code, is an unconstitutional violation of the second sentence of the amendment adopted in November.
6. To her information and belief, as of this writing, no Court has yet ruled upon the merits of that Motion in any case.
7. If that Motion is ultimately upheld, an entire class of victims will be stripped of the protection intended to be afforded them by Section 2919.25, Revised Code, and left to the less effective remedies existing prior to the criminalization of domestic violence.

FURTHER AFFIANT SAYETH NAUGHT.

CATHLEEN ALEXANDER

Sworn to and subscribed in my presence, this ___ day of January, 2005.

NOTARY PUBLIC

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 49

To: The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs

Copy: The Honorable Tom Hawk

Date: Monday, January 17, 2005

Re: A Vote No testimony to the current version of the the constitutional change to the DONA amendment..

Today, the celebration day of Martin Luther King, Jr., the Topeka-Capital Journal featured a well written editorial re: the "Dream lives," and another. by James E. Baker, in which he addresses reporting discrimination in the work place, etc.. In the same issue the front page news tells us of the probability the House will pass the ban on gay marriage sometime this week. Is my logic truncated, or are our legislators taking Kansas to a new height of hypocrisy. Perhaps we have been deluding ourselves over the past few years that we were moving fairly well along on the path of equality for all.

Any decision by any church group to dictate their policy regarding same sex marriage is none off my business (although "love the sinner and hate the sin" seems to be a bit sanctimonious). However when any church, or group, attempts to push their position on civil unions into the business of the state then it becomes my business and I will speak out, stand up and vote accordingly. It seems that over the years we have always had one group or another assigned to seats in the back of the bus. To me the pending proposed legislation to prohibit same sex marriage of any kind sends a message to the gay and lesbian community that it is now their turn to feel the degradation and to smell the exhaust fumes. If the current legislative body opts to approve the same sex marriage constitutional change, perhaps they, those voting "Yea", will graciously take their turn in the back of the bus.

After living in another state for many years my wife and I made a decision to move back to our beloved Kansas to live out our twilight years. The current "do anything to get reelected" attitude of many who inhabit our capital hallways gives us serious thought about our decision. We hope our new motto "Kansas As Big As You Think" will prevail and become a symbol of our greatness. Given the current tide on the gay/lesbian rights in the legislature, those signboards may have to change and tell our visitors "Kansas. As Bigoted As You Think!"

Thank you for accepting my testimony.



Donald D. Davis
617 High Meadow Circle
Manhattan, Kansas 66503
(785) 323-0229

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 50

To: The Honorable Rep. Chair John Edmonds

Kansas House of Representatives, Federal and State Affairs:

Vice-Chair Arlen Siegfried, R-Olathe, Ranking Minority Tom Burroughs, D-Kansas City. Members: Steve Brunk, R-Wichita, Ray Cox, R-Bonner Springs, Barbara Craft, R-Junction City, Don Dahl, R-Hillsboro, Bonnie Huy, R-Wichita, Lance Kinzer, R-Olathe, Everett Johnson, R-Augusta, Ray Merrick, R-Stilwell, Judy Morrison, R-Shawnee, Todd Novascone, R-Wichita, Lynne Oharah, R-Uniontown, Kenny Wilk, R-Lansing, Nile Dillmore, D-Wichita, Tom Hawk, D-Manhattan, Broderick Henderson, D-Kansas City, Judith Loganbill, D-Wichita, Ann Mah, D-Topeka, Melody McCray-Miller, D-Wichita, Candy Ruff, D-Leavenworth

First, let me thank you for your service. I teach leadership and civic engagement and I use examples like you – earnest people dealing their best with difficult decisions – in class everyday.

Today, however, my main purpose in writing is to **urge you to vote No** on the proposed legislation that would support a constitutional amendment that would ban gay marriage/ civil unions. My reasons are many – let me share just one main point.

As way of background and context, I am a widow with a 28-year-old son who is gay. I was raised in Hays and Paul in Manhattan. I was tenth generation Presbyterian (and Paul eleventh) until we moved our membership to a Congregational church that was open and affirming of homosexuality. Paul works today as the activities director for a nursing home and supported himself through college at Baker by serving as a youth director for a local Baptist church. We both continue to teach Sunday school and are active members of our congregation. I raised Paul to believe in monogamy and the sacredness of living in a committed relationship. And, yes, I do personally believe that God ordains such unions. Even while Paul was quite young I remember my father (an ordained elder of the Presbyterian church) reproaching my younger brother for making a negative comment about gays. He said, “Michael, if that’s the way God made them, then I don’t think it is up to you or me to question.” I remain committed to those Christian ideals of inclusion and justice that I learned from him.

I am not asking that you share my faith or my religious views. I am just asking you to “vote your conscience”. I truly believe that if you search your hearts you will find that they are fair, just and courageous and that you will want for my son what I want and what he wants – the chance to live openly in a legally committed relationship.

I am also sure that you will hear more logical and surely more eloquent opinions than mine but none more heartfelt.

Thank you again, for all that you do and for your consideration of my request.

Sincerely,

Susan M. Scott

Susan M. Scott
1419 Humboldt
Manhattan, KS 66502

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 51

To: The Honorable Rep. Chair John Edmonds

Kansas House of Representatives, Federal and State Affairs:

Vice-Chair Arlen Siegfried, R-Olathe, Ranking Minority Tom Burroughs, D-Kansas City.
Members: Steve Brunk, R-Wichita, Ray Cox, R-Bonner Springs, Barbara Craft, R-Junction City, Don Dahl, R-Hillsboro, Bonnie Huy, R-Wichita, Lance Kinzer, R-Olathe, Everett Johnson, R-Augusta, Ray Merrick, R-Stilwell, Judy Morrison, R-Shawnee, Todd Novascone, R-Wichita, Lynne Oharah, R-Uniontown, Kenny Wilk, R-Lansing, Nile Dillmore, D-Wichita, Tom Hawk, D-Manhattan, Broderick Henderson, D-Kansas City, Judith Loganbill, D-Wichita, Ann Mah, D-Topeka, Melody McCray-Miller, D-Wichita, Candy Ruff, D-Leavenworth

RE: Constitutional Amendment Limiting Marriage

Thank you for accepting my testimony.....I Urge you to **vote No** on the current version of this amendment.

Equal rights are not special rights; members of the GLBT community are asking that this amendment, which limits the equal exercise of rights by all Kansas citizens, **be rejected**.

The constitution should protect the rights of all citizens regardless of the unfortunately widely accepted discrimination against the GLBT community.

The amendment is short sighted. I understand that you might fear making a choice on this issue when you are up for re-election. Don't listen to the propoganda of fear. Represent the citizens of Kansas who reject the inclusion of hate in the constitution.

Please help us in this struggle for full access to basic American liberties. Your support of our struggle empowers others to stand up for the protection of equal rights for all of us. Please reject the amendment.

Amanda Lauren Bareiss

Amanda Lauren Bareiss
308 Putnam Hall
Kansas State University
Manhattan, KS 66506
785-341-5349
abareiss@ksu.edu
1-20-2005

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 52

January 20, 2005

To: The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs:
Vice-Chair Arlen Siegfried, R-Olathe, Rank-ing Minority Tom Burroughs,
D-Kansas City. Members: Steve Brunk, R-Wichita, Ray Cox, R-Bonner
Springs, Barbara Craft, R-Junction City, Don Dahl, R-Hillsboro, Bonnie
Huy, R-Wichita, Lance Kinzer, R-Olathe, Everett Johnson, R-Augusta, Ray
Merrick, R-Stilwell, Judy Morrison, R-Shawnee, Todd Novascone, R-Wichita,
Lynne Oharah, R-Uniontown, Kenny Wilk, R-Lansing, Nile Dillmore,
D-Wichita, Tom Hawk, D-Manhattan, Broderick Henderson, D-Kansas City,
Judith Loganbill, D-Wichita, Ann Mah, D-Topeka, Melody McCray-Miller, D-
Wichita, Candy Ruff, D-Leavenworth

RE: Constitutional Amendment Limiting Marriage (#8230)

Mr. Chairman, and Ladies and Gentlemen of the Committee:

Thank you for accepting my testimony; I urge you to vote "No" on the current version of this amendment.

--The constitutional amendment process should not be used as the basis for state sanctioning of the religious values and beliefs of one part of the citizenry over the religious values and beliefs of the rest of the citizenry.

--The current form of this proposed amendment is dangerously vague in its scope and potential impact on *all* unmarried couples.

--"If it ain't broke, don't try to fix it." None of the supposed threats to heterosexual marriage and the family is real, and Kansas already has a law that prohibits same sex marriage.

Again, thank you for considering my position on this important issue.

Jacque Gibbons

Jacque E. Gibbons
10520 Harvest Road
St. George, Kansas 66535
785-494-8461

FEDERAL AND STATE AFFAIRS

Date 1-26-05
Attachment 53

January 20, 2005

To: The Honorable Rep. Chair John Edmonds

Kansas House of Representatives, Federal and State Affairs:

Vice-Chair Arlen Siegfried, R-Olathe, Ranking Minority Tom Burroughs, D-Kansas City. Members: Steve Brunk, R-Wichita, Ray Cox, R-Bonner Springs, Barbara Craft, R-Junction City, Don Dahl, R-Hillsboro, Bonnie Huy, R-Wichita, Lance Kinzer, R-Olathe, Everett Johnson, R-Augusta, Ray Merrick, R-Stilwell, Judy Morrison, R-Shawnee, Todd Novascone, R-Wichita, Lynne Oharah, R-Uniontown, Kenny Wilk, R-Lansing, Nile Dillmore, D-Wichita, Tom Hawk, D-Manhattan, Broderick Henderson, D-Kansas City, Judith Loganbill, D-Wichita, Ann Mah, D-Topeka, Melody McCray-Miller, D-Wichita, Candy Ruff, D-Leavenworth

RE: Constitutional Amendment Limiting Marriage

Thank you for accepting my testimony. I write as a concerned Kansan, and urge you to **vote No** on the current version of the constitutional amendment limiting marriage.

- This amendment changes the constitution to institute discrimination, which runs counter to our traditions, to lessons learned from our nation's history, and to any conventional understanding of civil rights. It sets up a structure for legal discrimination, which is not the intended work of the Kansas Legislature.
- Kansans will lose their benefits as a result of this amendment. Kansas families will lose support. This form of institutionalized discrimination does not "protect" traditional marriage, which is in no way under attack. Rather it weakens Kansas families.
- Please take the long view and put the rights and welfare of all Kansans, including our children, above contemporary reactionary rhetoric. Courage, not fear, is what we expect our public officials to demonstrate.

Vote NO.

Respectfully,

Mary Hale Tolar

Mary Hale Tolar
3410 Treesmill Circle
Manhattan, KS 66503
785/539-6483
mhtolar@yahoo.com
District 67

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 54

To: Alley Stoughton
Subject: RE: correction - letter on marriage amendment

-----Original Message-----
From: Alley Stoughton [mailto:stough@cis.ksu.edu]
Sent: Thursday, January 20, 2005 1:33 PM
RE: letter on marriage amendment

To: The Honorable Rep. John Edmonds, Chair Federal and State Affairs
Committee;

Vice-Chair Arlen Siegfried, R-Olathe, Ranking Minority Tom Burroughs, D-Kansas City;

Members: Steve Brunk, R-Wichita, Ray Cox, R-Bonner Springs, Barbara Craft, R-Junction City, Don Dahl, R-Hillsboro, Bonnie Huy, R-Wichita, Lance Kinzer, R-Olathe, Everett Johnson, R-Augusta, Ray Merrick, R-Stilwell, Judy Morrison, R-Shawnee, Todd Novascone, R-Wichita, Lynne Oharah, R-Uniontown, Kenny Wilk, R-Lansing, Nile Dillmore, D-Wichita, Tom Hawk, D-Manhattan, Bro-derick Henderson, D-Kansas City, Judith Loganbill, D-Wichita, Ann Mah, D-Topeka, Melody McCray-Miller, D- Wichita, Candy Ruff, D-Leavenworth

RE: Constitutional Amendment Limiting Marriage

Date: January 20, 2005

I am writing to you in opposition to the proposed amendment to the Kansas constitution concerning marriage. There are many reasons to oppose this amendment, but I will focus on two.

(1) It is never appropriate to put the rights of a minority group to a majority vote. It's probably true that, at the moment, a majority of Kansans favor discriminating against gay people. I also believe that, in the long run, attitudes in Kansas will change, and, eventually, such discrimination will come to be seen as wrong. It is your duty to protect the minority from the shortsighted actions of the majority.

(2) The language of the amendment is vague and far-reaching. It may well have unintended consequences regarding contract law in the state of Kansas. In fact, it may well be unconstitutional because of the way it seeks to restrict the rights of people to manage their lives through making contracts.

I hope that you and will have the courage to stop this amendment now.

Regards,

Alley Stoughton
2108 Londondery Drive
Manhattan, KS 66503
785-776-3894
stough@cis.ksu.edu
District 67

01/20/2005

FEDERAL AND STATE AFFAIRS
Date 1-26-05
Attachment 55

To: krk@ksu.edu

Subject: RE: Marriage amendment letter

From: krk@ksu.edu [mailto:krk@ksu.edu]
Sent: Thursday, January 20, 2005 3:07 PM

To: The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs:
Vice-Chair Arlen Siegfried, R-Olathe, Ranking Minority Tom Burroughs, D-Kansas City. Members: Steve Brunk, R-Wichita, Ray Cox, R-Bonner Springs, Barbara Craft, R-Junction City, Don Dahl, R-Hillsboro, Bonnie Huy, R-Wichita, Lance Kinzer, R-Olathe, Everett Johnson, R-Augusta, Ray Merrick, R-Stilwell, Judy Morrison, R-Shawnee, Todd Novascone, R-Wichita, Lynne Oharah, R-Uniontown, Kenny Wilk, R-Lansing, Nile Dillmore, D-Wichita, Tom Hawk, D-Manhattan, Broderick Henderson, D-Kansas City, Judith Loganbill, D-Wichita, Ann Mah, D-Topeka, Melody McCray-Miller, D-Wichita, Candy Ruff, D-Leavenworth

RE: Constitutional Amendment Limiting Marriage

I understand that you probably feel pressured by threats about of re-election, DO NOT let this discourage you. Courage and right action is more empowering than fear and hate.

Thank you for accepting my testimony!

I Urge you to vote No on the current version of this amendment.

It is important to not change the constitution in a way that will discriminate against any group of people.

We respect elected officials who take a stand that is good for ALL citizens

Thank you again,

Kristina R. Kramer

Kristina R. Kramer
1725 Denholm Dr.
Manhattan, KS 66503
785-341-9217
Rep. district 66

01/19/2005

01/20/2005

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 56

To: erb4999@ksu.edu
Subject: RE: Letter to Topeka!!

-----Original Message-----
From: erb4999@ksu.edu [mailto:erb4999@ksu.edu]
Sent: Thursday, January 20, 2005 8:47 AM

To: The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs:
Vice-Chair Arlen Siegfried, R-Olathe, Ranking Minority Tom Burroughs, D-Kansas City. Members: Steve Brunk,
R-Wichita, Ray Cox, R-Bonner Springs, Barbara Craft, R-Junction City, Don Dahl, R-Hillsboro, Bonnie
Huy, R-Wichita, Lance Kinzer, R-Olathe, Everett Johnson, R-Augusta, Ray Merrick, R-Stilwell, Judy Morrison, R-
Shawnee, Todd Novascone, R-Wichita, Lynne Oharah, R-Uniontown, Kenny Wilk, R-Lansing, Nile Dillmore, D-
Wichita, Tom Hawk, D-Manhattan, Broderick Henderson, D-Kansas City, Judith Loganbill, D-Wichita, Ann Mah,
D-Topeka, Melody McCray-Miller, D-Wichita, Candy Ruff, D-Leavenworth
Thank you for accepting my testimony on the constitutional amendment issue.

Please VOTE NO to the Constitutional Ban of Gay Marriage.

The only way for our state and country to achieve real equality and justice is to allow all
citizens the same inalienable rights. These rights include the right to marry someone of the
same sex.

Granting homosexual couples the same legal, financial, etc. rights as heterosexual couples is
the only way to show that Kansas does care about its citizens!

I urge you to stand up against this ammendment.

Separation of Church and State. Please do not vote for this bill for religious reasons, vote
against it for moral and just reasons.

Erin Bishop
510 Osage #4
Manhattan, Kansas 66502
785-313-4053 erb4999@ksu.edu

01/20/2005

FEDERAL AND STATE AFFAIRS

Date 1-26-05
Attachment 57

From: Barbara Hoyle

To: Grey Montgomery Junction City Daily Union and

Kansas Legislative Committee, Rep. Edmonds, Chair, Federal and State Affairs

Friday, January 21, 2005 9:32 AM

Subject: The Marriage Ammendment. Lettor to the Editor and Kansas House of Representatives.

Emmett Till and Mathew Sheppard. What did these two young men have in common? One was black and one was white, but they were both the victims of "hate crimes".

Now the bigoted "religious right" of both parties is working hard to write discrimination into the Kansas Constitution. To do this, they want the people of Kansas to vote on amending the constitution to define marriage as the union of one man and one woman, therefore denying civil rights to a homosexual couple.

The Kansas Senate has already voted and passed by a two thirds majority this bill to place the definition on the April 2005 ballot. It will soon go to the House for a vote.

This should not be a partisan issue, but it seems that those who want this discrimination written into our Kansas Constitution are targeting the Republicans, because they believe they are the party of God. Some brave Republicans have voted against this bill, and have already been threatened by these good religious folk to be "dumped" when the next election rolls around.

There is a chance the House will reject this bill. It will soon be voting, and I can only hope our good Kansas Representatives will not be intimidated by those wanting to write discrimination into our Kansas Constitution.

Barbara Hoyle

Barbara Hoyle
106 Bunker Hill Drive
Junction City, Kansas 66441
785-238-5630

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 58

January 21, 2005

TO: The Honorable Representative John Edmonds
Chairman, Federal and State Affairs Committee
Kansas House of Representatives

Dear Rep. Edmonds and Committee members

Thank-you for accepting my testimony as regards the proposed Constitutional amendment limiting marriage rights in Kansas. I urge you to vote *against* this amendment.

- I live in a nation that has always protected freedom. The purpose of our constitutions is to *protect* citizens' rights, not to limit them. Our government has no business telling Americans who they may love and legally provide for.
- I am a happily married heterosexual. The marriage of my gay and lesbian friends poses no danger to my marriage. In fact, allowing all who wish to make this serious lifelong commitment to do so will strengthen the institution.
- I am also a seminary-educated minister in a mainstream Protestant denomination. I hold a Ph.D. in theology, and I resent those who claim that Christian values prohibit equality in marriage rights. My Christian values begin with love, compassion, tolerance and justice.

I urge you to be courageous. Your constituents and colleagues notice and respect courage. It is contagious. Catch the spirit of courage, not the spirit of fear.

Sincerely

Sherry Wright

Sherry Wright, Ph.D.
2220 Seaton Ave.
Manhattan KS 66502
swright26@cox.net
785-776-3875

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 59

January 21, 2005

Federal and State Affairs Committee
c/o Rep. John Edmonds, Chair
Capitol Building, Room: 171 - W 300 West 6th SW
Topeka, Kansas 66612.

To: The Honorable Rep. Chair John Edmonds and Kansas House of Representatives, Federal and State Affairs Committee Members:
Vice-Chair Arlen Siegfried, R-Olathe, Ranking Minority Tom Burroughs, D-Kansas City, Steve Brunk, R-Wichita, Ray Cox, R-Bonner Springs, Barbara Craft, R-Junction City, Don Dahl, R-Hillsboro, Bonnie Huy, R-Wichita, Lance Kinzer, R-Olathe, Everett Johnson, R-Augusta, Ray Merrick, R-Stilwell, Judy Morrison, R-Shawnee, Todd Novascone, R-Wichita, Lynne Oharah, R-Uniontown, Kenny Wilk, R-Lansing, Nile Dillmore, D-Wichita, Tom Hawk, D-Manhattan, Broderick Henderson, D-Kansas City, Judith Loganbill, D-Wichita, Ann Mah, D-Topeka, Melody McCray-Miller, D- Wichita, and Candy Ruff, D-Leavenworth

RE: Constitutional Amendment Limiting Marriage

Thank you for accepting our testimony. We are the parents of a wonderful and loving gay son, and would like to urge all of you to **vote no** on this amendment because we feel that no one in the USA has the right to tell anyone whom they should and should not love and marry. We also believe that hate is not a family value, and that this amendment is hateful and discriminatory towards homosexuals.

Many research studies on lesbian and gay parenting (see <http://www.apa.org/pi/parent.html>) have shown that

- there is no evidence to suggest that lesbians and gay men are unfit to be parents or
- that psychosocial development among children of gay men or lesbians is compromised in any respect relative to that among offspring of heterosexual parents.
- Not a single study has found children of gay or lesbian parents to be disadvantaged in any significant respect relative to children of heterosexual parents.
- Indeed, the evidence to date shows that home environments provided by gay and lesbian parents are as likely as those provided by heterosexual parents to support and enable children's psychosocial growth.

It would be a disservice to your constituency to deny the family opportunity to a segment of society that has so much parenting ability to offer. We urge you to stand for marriage equality and vote no on the "un" Constitutional amendment.

Sincerely,

Karl J. Kramer

Virginia R. Kramer

Karl J. and Virginia R. Kramer 1725 Denholm Dr. Manhattan, KS 66503 785-539-5975
kkramer1@cox.net <<mailto:kkramer1@cox.net>> District 67

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 60

o: The Honorable Rep. Chair John Edmonds

Kansas House of Representatives, Federal and State Affairs:

Vice-Chair Arlen Siegfried, R-Olathe, Rank-ing Minority Tom Burroughs, D-Kansas City. Members: Steve Brunk, R-Wichita, Ray Cox, R-Bonner Springs, Barbara Craft, R-Junction City, Don Dahl, R-Hillsboro, Bonnie Huy, R-Wichita, Lance Kinzer, R-Olathe, Everett Johnson, R-Augusta, Ray Merrick, R-Stilwell, Judy Morrison, R-Shawnee, Todd Novascone, R-Wichita, Lynne Oharah, R-Uniontown, Kenny Wilk, R-Lansing, Nile Dillmore, D-Wichita, Tom Hawk, D-Manhattan, Broderick Henderson, D-Kansas City, Judith Loganbill, D-Wichita, Ann Mah, D-Topeka, Melody McCray-Miller, D-Wichita, Candy Ruff, D-Leavenworth

RE: Constitutional Amendment Limiting Marriage

Thank you for accepting my testimony. I urge you to **Vote No** on the this amendment to the Constitution of Kansas, founded on Freedom. We have become a nation that fights wars for democracy and freedom in other nations while waging a war against their own citizens. The battle cry of this movement is "We are afraid of you. Go Back In the Closet."

- This amendment "legislates" discrimination against a group of productive, contributing citizens that are living honorable lives, raising families, and participating in their communities. They may be invisible to you but they are all around you and in your families.
- By giving Gay Families their equal rights, you give them their due responsibility to raise, support, insure, provide for their families, instead of leaving their care to our government. You make families stronger and healthier.
- You were chosen as leaders to protect the rights of the citizens of Kansas. This is not a mandate to protect your "career" at the expense of our citizens.
- Your value to the citizens of Kansas *comes only* from your own courage to take a stand against laws that impinge on the rights of citizens of Kansas. This is your duty of office.
- Fear is contagious but so is *integrity and courage*. If your constituents have become afraid, it is your responsibility to educate them, calm them, and lead them.



- The "afraid majority" never protects the rights on the "unknown" minority. That is your responsibility.
- Please Vote For Families. Please Vote No on the Constitutional Amendment.

How does this couple's marriage hurt yours?

Tamara Hawk, LSCSW 210 Southwind Pl. Manhattan, KS 66503 785-539-7789
tjhawk@cox.net

FEDERAL AND STATE AFFAIRS

Date 1-26-05
Attachment 61

2108 Londondery Dr.
Manhattan, KS 66503

(785) 776-3894
manxcat@cox.net

January 21, 2005

To: the Honorable Rep. Chair John Edmonds, Kansas House of Representatives, Federal and State Affairs Committee, and esteemed Committee members

Re: Constitutional Amendment Limiting Marriage

Dear Representative Edmonds:

Thank you for accepting my testimony. I write to ask you and your colleagues to **vote No** on this constitutional amendment.

- This is an equal rights issue. Perhaps a majority, perhaps a vocal minority, are attempting to write discrimination against a small but significant minority of Kansas citizens into the state constitution. In my opinion this is not in keeping with the principles that have been at work in Kansas since this state's proud origin - that this is a place where minority rights are respected, and minority citizens have a right to live their lives peacefully under the protection of the state. This act would turn that worthy tradition on its head.
- I am a clinical psychologist by training. I think that many people are opposed to rights for gays and lesbians because they don't understand that sexual orientation, whether primarily biological or psychological in origin, is determined in infancy, and decisively. Whether to listen to country music or classical is a lifestyle choice. Whether to be heterosexual or homosexual is not. The citizens of Kansas can be educated about this.
- I particularly oppose to the paragraph of this amendment concerning civil unions. There are many people now, in this time of low wages, who need to mutually support each other economically. Please don't deprive them of the right to do this. Much hardship will follow.

Please be courageous! As a proud citizen of Kansas, a psychologist, and as someone who is deeply religious, I urge you to vote No on the constitutional amendment limiting marriage.

Sincerely yours,

Janene McNeil

Janene McNeil, Ph.D.

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 62

TO: The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs

Vice-Chair Arlen Siegfried, R-Olathe; Ranking Minority Tom Burroughs, D-Kansas City; Members: Steve Brunk, R-Wichita, Ray Cox, R-Bonner Springs, Barbara Craft, R-Junction City, Don Dahl, R-Hillsboro, Bonnie Huy, R-Wichita, Lance Kinzer, R-Olathe, Everett Johnson, R-Augusta, Ray Merrick, R-Stilwell, Judy Morrison, R-Shawnee, Todd Novascone, R-Wichita, Lynne Oharah, R-Uniontown, Kenny Wilk, R-Lansing, Nile Dillmore, D-Wichita, Tom Hawk, D-Manhattan, Broderick Henderson, D-Kansas City, Judith Loganbill, D-Wichita, Ann Mah, D-Topeka, Melody McCray-Miller, D-Wichita, Candy Ruff, D-Leavenworth

DATE: January 23, 2005

RE: Constitutional Amendment Limiting Marriage

Thank you for the commitment you have made to represent your community and the state of Kansas as an elected Representative. As one of the constituents you are representing, I urge you to **vote NO** on the constitutional amendment limiting marriage.

I find this amendment detrimental to the separation of church and state as well as an abomination of civil rights.

Please vote No and reassure me that my return to my homestate along with my husband and daughter was a good idea. Demonstrate to me that she may grow up within a local and state community that is inclusive and not exclusive, equitable and not discriminatory.

Thank you for your time.

Sincerely,



Kerri Day Keller
409 Warner Park Road
Manhattan, KS 66503
785-539-2599, kjnkeller@cox.net

FEDERAL AND STATE AFFAIRS

Date 1-26-05
Attachment 63

Kevin Hartung
P.O. Box 868
Ogden Kansas 66517
785 565 2474

January 22, 2005

**The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee
The Honorable Federal and State Committee Members**

I am writing you today to express my feelings about the proposed amendment to the Kansas Constitution which would define marriage as solely between a man and woman and would prohibit the future possibility of civil unions in our state. As a gay man, I am greatly disappointed in the direction of our government, but moreover I am disgusted with the lack of leadership by our elected officials to stand up to those wishing to destroy the foundations on which our nation was built.

Bishop Fulton J Sheen explained it this way: "Democracy cannot survive where there is such uniformity that everyone wears the same intellectual uniform or point of view. Democracy implies diversity of outlook, a variety of points of view on politics, economics, and world affairs."

What we currently have in our nation is not democratic-minded people working for the good of our country, but rather a group of narrow -minded bigots wanting their versions of Christianity force upon everyone. This is not only un-American; it is evil!

Currently, in other states where marriage amendments have been passed we have seen the following unintended consequences of those actions:

- Protection From Abuse Orders challenged for unmarried opposite sex couples who are dating or living together,
- Health care and health insurance stripped from people,
- Increase in hate crimes against gay and lesbian individuals,
- Banning of any municipality, agency of any municipality or any other public entity from entering into discussions about domestic partner benefits

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 64

- Visitation by an unmarried opposite-sex partner denied at a hospital,
- Limiting the ability of unmarried couples to jointly own property and inherit that property, and
- Limiting pension benefits to senior citizens living together.

These issues will affect **all unmarried couples**, not just gay/lesbian couples, who are the true targets of the hate driving this amendment. The ramifications of the broad-based language in part (b) have not been fully explored, nor are fully known. The only way to know what the full ramifications of this will be is through judicial interpretation.

Additionally, several large companies, such as Sprint, AmerUs, Cessna, and Boeing, in Kansas currently offer health insurance and paid leave (similar to FMLA) to same-sex partners. While proponents of the anti-gay marriage amendment say that it will not affect these rights, it is actually unclear whether or not that is the case. These companies have stated that it **is important for them to be able to offer these benefits** to recruit and retain the most highly qualified individuals. Even if this law does not immediately overturn those benefits, these companies may seek places where their employees feel more accepted making this proposed amendment bad economic policy. Can Kansas really afford the chance of Boeing closing its plants in Wichita?

I encourage you to vote against this amendment, now and each time it is raised in its current form. If you want to define marriage - a redundancy since the Kansas Constitution already does this, then do so, but include in the law civil unions, which carry the same benefits and responsibilities, for citizens of our state who are not covered by the definition.

Sincerely yours,

A handwritten signature in black ink, appearing to be "K. S. S.", written over the typed name "K. S. S.".

**Bradley Farrington
434 West 7th Street
Junction City, Kansas 66441**

January 22, 2005

**The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee
The Honorable Federal and State Committee Members**

I am writing today to express my great disappointment in our elected officials who are wasting our time and tax dollars on an issue Kansans have consistently put dead last in opinion polls. I'm talking about the SCR 1601 which would define marriage as solely between a man and a woman and which goes on in the odious Section B to in shrine discrimination against any individual who does not conform to a narrow, bigoted, religious fanatical view of what constitutes a relationship. As a Kansan, as a lesbian, it is time to put this disgraceful legislation aside and get on with the real issues facing our state: the sorry state education finds itself in because of these religious fanatics and economic development.

All credible research shows that people who are gay or lesbian had no choice in their sexual orientation. Gay and lesbian Kansans are not afforded the same rights as others and have little voice in the political process that affects their lives. This clearly meets the definition of a "minority". The proponents of this amendment are seeking the unprecedented act of singling out a specific group of people for second-class treatment in the constitution. I am sure that if they can succeed at this attempt, they will soon be wanting to pass laws against traditional liberal Christian traditions like the Congregationalists and Unitarians. Because lets face facts, these religious fundamentalist have not been happy since the civil rights movement of the 60s and would like nothing better to turn back the clock and see the races seperated once again.

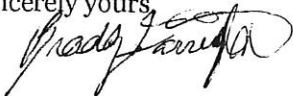
The Christian Right seems to know a great deal about my life, even though I know none of them personally. They claim that gays are going to sue the State for the rights of marriage - totally avoiding the fact that marriage is a CIVIL law, governed by the State and not churches.

There is no concerted effort in Kansas to push for civil unions, same-sex marriage, or even domestic partner health insurance. This effort was not started by any gay individual or organization in Kansas; the proponents of this amendment started this. There is no threat to the "traditional" marriage in Kansas. Gay and lesbian individuals do not even currently enjoy the fundamental right of being able to work and live in our society free from discrimination.

This amendment will invite litigation. The amendment is flawed from a legal perspective and it has serious constitutional issues. Rather than protecting against judicial interference, which the Right constantly wails against, this amendment invites it.

Please vote to terminate this amendment now and please vote against any future attempts by the Christian fundamentalists to impose their religious ideology on the citizens of our state. If you want to vote for anything, vote to grant civil unions in our state, which enjoy and the rights and responsibilities of marriage and vote to include sexual orientation and gender identity in our state's non-discrimination clause.

Sincerely yours



FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 65

Wayne Hoffman
711 E.11th
Juction City Ks.66441

January 22, 2005

**The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee
The Honorable Federal and State Committee Members**

I am writing today to ask that your committee votes to kill SCR 1601 in your committee and that you committee members vote against should it be brought to the floor of the Kansas House through other methods. This is just bad legislation, pure and simple. But what galls me more is that supposedly "Christian" people are saying this law is needed.

Whom did Jesus spend time with? Who were his friends, his followers, his chosen Twelve? Fishermen, women, "sinners," prostitutes, zealots, and even the lowest of the low, tax collectors! Jesus celebrated diversity. Why shouldn't Christians of today do the same? People with diverse lifestyles can -- when fully accepted -- contribute enormously to Christianity and our understanding of Christ.

Consider, for example, what just three homosexuals added to Christianity and Western Culture. If Leonardo da Vinci had been jailed, we would not have his *Last Supper*, the most famous image of not only that event, but of how Jesus himself appeared. If the pope had burned Michelangle, rather than employed him to paint the ceiling oand -- from the panel, "The Creation of Adam" -- our most popular image of God. If the church had executed King James 1 of England for his homosexual activities, we would not have the King James translation of the Bible.

Now stop and think for a moment what effect SCR 1601 will have on Kansas. How many young men and women will leave our state for environments where diversity is valued and supported and where they can have their relationships affirmed and valued? Are we going to loose future governors, inventors, and workers? You KNOW we are. The people wanting you to write discrimination into our constitution no more care for the future of our state and her people, than the terrorists who shocked our nation on 9-11.

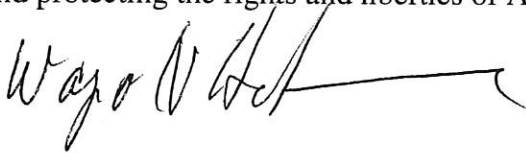
FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 66

It is time legislators found the moral fortitude and said no to hate, to discrimination, and got on with the business of solving the real issues facing our state: providing economic opportunities for young people to stay in our state, to prevent our nationally acclaimed educational system from becoming that of a Third World nation; to provide health care for all Kansans; and protecting the rights and liberties of ALL Kansans.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Wayne D. Holt", with a long horizontal flourish extending to the right.

**Unitarian Universalist Fellowship of Manhattan
P. O. Box 910 (481 Zeandale Road)
Manhattan, Kansas 66505**



**To: The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee
The Honorable Federal and State Affairs Committee Members**

As Unitarian Universalists members of the congregation in Manhattan, we, the undersigned, would like to take this opportunity to express my deep concern over the proposed "Marriage Amendment" to the Kansas Constitution.

As a faith community, with its historical roots in the Jewish and Christian traditions, Unitarian Universalism is a liberal religion -- that is, a religion that keeps an **open mind** to the religious questions people have struggled with in all times and places. We believe that personal experience, conscience and reason should be the final authorities in religion, and that in the end religious authority lies not in a book or person or institution, but in ourselves. Many of the founders of our nation - Thomas Jefferson, Benjamin Franklin, John Adams, to name a few - were members of our religious tradition.

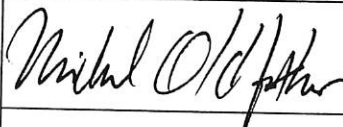
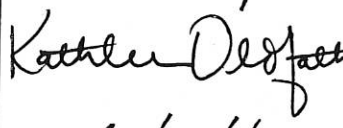

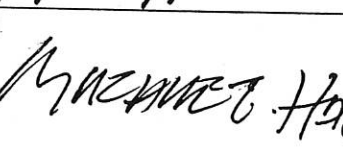
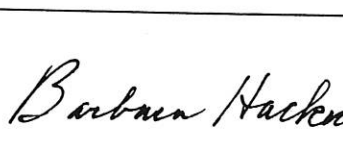
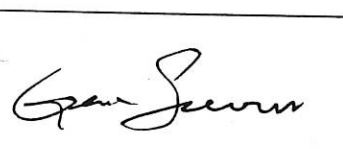
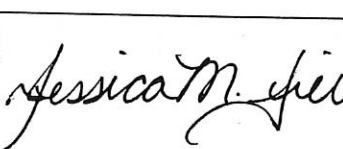
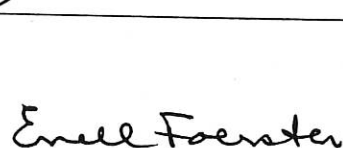
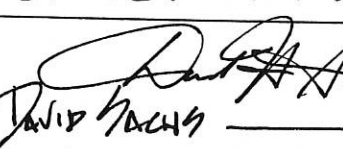
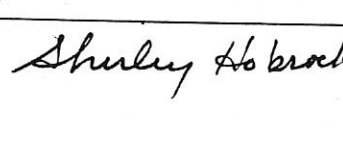
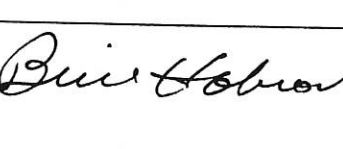
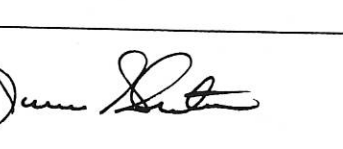
Thus, we wish to express our outrage at any amendment brought before your committee, which would write discrimination into our constitution in the realm of civil marriage. To us this proposed amendment has been brought by a group of people whose narrow interpretation of the Christian tradition nullifies many of the teachings of Jesus of Nazareth; infringes upon our right to freely express our religious beliefs; and, singles out one group within U. S. society for open discrimination.

At issue here is equality for all people in the area of **civil** marriage. No religion will be forced to marry people. Religions that wish to, like ours, can. But this action of proposing an amendment is to prohibit equal protection under the law through equal access to marriage for same-gender couples that married couples now enjoy. Same-sex couples deserve the same rights and responsibilities as heterosexuals now enjoy and the state has no right to decide that the love between two same-sex individuals is any less valid than that between a man and a woman.

At the 1996 the Unitarian Universalist General Assembly, delegates voted overwhelmingly to call for the legalization of same-sex marriage. The Unitarian Universalist Association has a long-standing and deeply held commitment to support full equality for bisexual, gay, lesbian, and transgender people, going back 33 years to 1970. The Association, through action of its General Assembly and congregational actions, has advocated for nondiscrimination and hate crimes legislation; our ministers have performed ceremonies of union for same-sex couples; and now, the Association directs its attention toward the support for legalized same-sex marriage.

FEDERAL AND STATE AFFAIRS



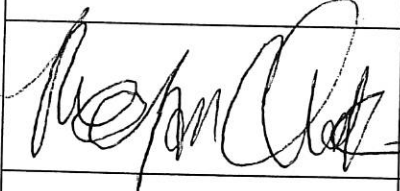
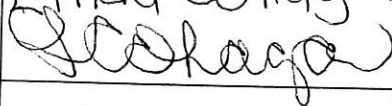

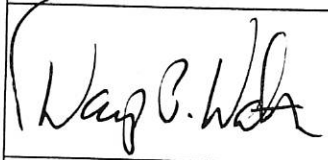

Date 1-26-05
Attachment 67

Signature	Name (printed)	Address, City, Zip Code
	Michael Oldfather	3007 Tumbleweed Terrace Manhattan, KS 66502
	Kathleen Oldfather	3007 Tumbleweed Ter Manhattan KS 66502
	Jay M Ham	161 S Dartmouth Dr. Manhattan, KS 66503
	Suzanne E Hale	161 S Dartmouth Dr Manhattan, KS 66503
	Barbara Hacker	3110 Arbor Dr. Manhattan, KS. 66503
	Gene Sievers	821 Tabor Valley Rd Manhattan, KS 66502
	Jessica M. Sievers	821 Tabor Valley Rd Manhattan, KS 66502
	Enell Foerster	920 Ratone St, Manhattan, KS 66502
	→	405 BULEMONT CIR. MANHATTAN, KS 66502
	Shirley Hobrock	4009 Snowy Reach Manhattan, Ks. 66503
	Brice Hobrock	4009 Snowy Reach Manhattan, KS 66503
	James Shunteau	333 N. 15 St. Manhattan, KS 66502

Laura Bonella Laura Bonella 331 N 14th St
Manhattan, KS 66502 67-3

Signature	Name (printed)	Address, City, Zip Code
Teresa Franz	Teresa Franz	5707 Saddle Rock Rd Manhattan KS 66503
Abigail H. Conrad	Abigail H. Conrad	610 Fairchild Terrace Manhattan KS 66502
Betty A Banner	BETTY A BANNER	2308 GROWNING MANHATTAN KS 66502
Evelyn Frazier	Evelyn Frazier	2240 Meadowlark Rd. Manhattan, KS 66502
Pat Embers	Pat Embers	733 Galaxy Dr. Manhattan, KS
Ken Embers	Ken Embers	735 Galaxy Dr Manhattan, KS
Tom Murrey		
Colina Stanton	Colina Stanton	1846 1/2 Hunting MANHATTAN, KS 66502
Stewart Stanton	Stewart Stanton	1846 1/2 Hunting Ave Manhattan, KS 66502
Harriette Janke	Harriette Janke	207 Colgate Terr. Manhattan KS 66503
Kent LaCombe	Kent LaCombe	1124 Colorado Manhattan, KS. 66502
LORIEL CROSS	LORIEL CROSS	1606 Delaney manhattan ks 66502

Emily Ragan Emily Ragan 1601 Barrington Dr
Manhattan KS
66503

Signature	Name (printed)	Address, City, Zip Code
	Elke Lorenz	315 Valley Dr. Manhattan, KS 66502
	Tor Janson	1517 Campus Rd. Manhattan, KS 66502
Mary Westfall	MARY WESTFALL	601 Timberwick Pl MANHATTAN, KS 66503
	MEGAN CLARK	3503 Rocky Ford Ave Manhattan KS 66502
H. Hugh Irwin	Hugh Irwin	5707 Saddle Rock Rd Manhattan, KS 66503
Sandra Lou Nelson	Sandra Lou Nelson	1906 Bluestem Manhattan KS 66502
Linda Cochran 	Linda Cochran	104 S Kansas Leonardville KS 66449
	Christopher Rice	1023 Grandmoor Overland Park, KS 66212
Thomas J. Cochran Zheny Belya	Thomas J. Cochran	104 S. KANSAS LEONARDVILLE KS 66449
RW Beeman	Richard Beeman	1744 Leavenworth Manhattan, KS 66502
	Douglas P. Warner	821 Filzee MANHATTAN, KS. 66502
Marilyn Caldwell	Marilyn Caldwell	325 Fordham Rd. Manhattan, KS 66503
MARK MAPFIELD + Carolyn Ferguson		741 Elling Dr Manhattan 66502 68-5

1927 Vermont St
Manhattan, Kansas
66502

To Representative John Edwards
and the members of committee
on Federal and State Affairs

Please vote NO on the proposed
amendment to the Kansas
constitution defining marriage
as a union between a man
and a woman. All Kansans
deserve the right to legally
marry the person of their choice.
The state of Kansas must not
stand in their way.

Sincerely,
Patricia Weisenburger

January 22, 2005

The Honorable John Edmonds,
Chair, Federal and State Affairs
Kansas House of Representatives
Topeka, KS

Dear Rep. Edmonds,

I urge you to vote NO on the current marriage amendment to the constitution. It is discriminatory and demeaning to a large portion of your constituency- both gay and straight. Churches are free to marry or not marry whom they wish. This amendment allows the religious right to dictate what the state can do. It is a violation of the First Amendment. Please take a stand that is good for all the citizens of our state. We need our leaders to lead.

Thank you for your consideration.

Sincerely yours,



Mary Westfall
601 Timberwick Place
Manhattan, KS 66502
Westyks@interkan.net
785 539-5397
District 67

FEDERAL AND STATE AFFAIRS

Date 1-26-05
Attachment 69

1601 Barrington Dr.
Manhattan KS 66503

January 22, 2005

To: The Honorable Rep. Chair John Edmonds

Kansas House of Representatives, Federal and State Affairs:

Vice-Chair Arlen Siegfried, R-Olathe, Ranking Minority Tom Burroughs, D-Kansas City. Members: Steve Brunk, R-Wichita, Ray Cox, R-Bonner Springs, Barbara Craft, R-Junction City, Don Dahl, R-Hillsboro, Bonnie Huy, R-Wichita, Lance Kinzer, R-Olathe, Everett Johnson, R-Augusta, Ray Merrick, R-Stilwell, Judy Morrison, R-Shawnee, Todd Novascone, R-Wichita, Lynne Oharah, R-Uniontown, Kenny Wilk, R-Lansing, Nile Dillmore, D-Wichita, Tom Hawk, D-Manhattan, Broderick Henderson, D-Kansas City, Judith Loganbill, D-Wichita, Ann Mah, D-Topeka, Melody McCray-Miller, D- Wichita, Candy Ruff, D-Leavenworth

I would like to thank you for accepting my testimony. I strongly urge you to vote **No** on the current version of this amendment.

Part B of the amendment seeks to ban civil unions and domestic partnerships. This is hurtful because it affects same-sex partners on the issue of medical powers of attorney and living wills, it would prevent public entities from ever granting health insurance for same-sex partners, and it also threatens same-sex partners being foster parents. These are major issues for quality of people's lives. Passing this amendment would cause much unnecessary suffering. The majority of Kansas residents do NOT support this amendment and appreciate those who take a stand for the well-being of Kansas residents.

Sincerely yours,



Emily Ragan
785-395-6127
eragan@ksu.edu

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 70

To The Honorable Rep. Chair John Edmunds, Kansas House of Representatives, Federal and State Affairs Committee and all members of the committee,

Please vote NO on the amendment to prohibit same sex marriage.

- It is wrong for a Republic to put minority rights up for a popular vote. Civil rights should not be subject to popularity contests. If our nation decided every civil rights issue this way, we would still have slavery in the South, and women would not have the right to vote.
- The amendment, as written, will have unintended ramifications for unmarried heterosexual partners as well as homosexual partners. As an unmarried heterosexual in a seven-year relationship, I oppose this amendment not only because it threatens the rights of others, but also because it threatens my own.
- Many Fortune 500 companies offer domestic partnership benefits, as well as nearly the entire high tech sector. Anti-gay laws will discourage these companies from creating jobs and investing in Kansas. The most successful corporations understand that economic success depends on attracting and retaining talented people, regardless of background. Does Kansas?

Thank you for accepting my testimony.

Sincerely,



Tor Janson
1511 Campus Rd.
Manhattan, KS
District 66

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 71

To The Honorable Rep. Chair John Edmunds, Kansas House of Representatives, Federal and State Affairs Committee and all members of the committee,

I am writing to request that you vote NO on the current version of the amendment limiting marriage. I have many reasons for wanting it defeated: three of them personal:

I do not wish to live or raise a family in a hateful state. As a young female professor who moved to Manhattan, Kansas from Wisconsin, I am deciding whether to make Kansas my permanent home and whether to have children here. I want to raise children who believe in the inherent worth and equality of all people. Research shows that people who are gay or lesbian have no more choice in sexual orientation than anyone has in race or family of origin. Yet this amendment shows that the state of Kansas considers homosexuals to be unworthy of the equality guaranteed by the US Constitution. I do not see how I can raise children in a place where such institutionalized hatred will extend to their schools and communities and contradict all the US Constitution stands for and I hold dear.

Secondly, I do not wish myself and other heterosexual people in partnership relationships to become second-class citizens. The man I will have children with is one whom I will marry before that day, but for now he is my partner. He uprooted his life to move here with me and continue our seven-year old relationship. In Wisconsin we were recognized as domestic partners. I was able to extend my state-employee insurance to him and know that he was protected and valued as someone who protected and valued me. In Kansas, I already cannot extend my state-employee insurance or other benefits to him, and now the second part of the amendment could keep us from caring for each other when ill, owning a house together and exerting other basic rights afforded married couples. The danger of such far-reaching, unforeseen consequences needs to be removed.

Finally, Kansas' economy will suffer if companies like Sprint, Cessna, Boeing, and AmerUs can no longer offer health insurance to the same-sex partners of their employees. My partner and I really wanted to move to Kansas, but many businesses and individuals are less devoted. At worst they may leave, at best they will be unable to recruit by calling Kansas a welcoming state.

What saddens me is that I have thus far been impressed by the welcoming generosity and pragmatism of Kansans. It is because of this and because I know Kansas' Constitution denies preference to any one religious view that I want to stay in Kansas. However, if the religious view that homosexuals are inferior prevails, and a hate-filled, economically damaging amendment stands, I fear for Kansas' future and mine. Please vote no and stand up for the Kansas and US Constitutions. Thank you for accepting my testimony.

Sincerely,



Rachel Melis
1511 Campus Rd
Manhattan, KS 66502
District 66

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 72

Michael L. Christie
906 Cedar
Junction City, Kansas 66441

January 22, 2005

**The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee
The Honorable Federal and State Committee Members**

I am writing today because as a gay Kansan I am extremely disturbed by the attempts by a narrow group of Christian fundamentalist to impose their religious ideology on all the citizens of the great State of Kansas.

The proposed marriage amendment is just that, religious ideology. Many arguments for passing this legislation have been based on religious arguments. It is important that every person in Kansas is able to believe and worship in whatever way they wish; however, this does not mean that it should influence public policy. Actually our state constitution states very clearly in Section 7: "The right to worship God according to the dictates of conscience shall **never** be infringed; nor shall any person be compelled to attend or support any form of worship, 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. No religious test or property qualification shall be required for any office of public trust, nor for any vote at any election, nor shall any person be incompetent to testify on account of religious belief." (Emphasis added)

The majority of Kansans are not concerned about this issue. They are concerned about education, health care, economic development, and taxes. Marriage equity has consistently been at the bottom of the polls for the last year in terms of what people see as the most pressing issue. We have a small minority of people putting much pressure on you to vote yes. The majority of **Kansans are fair-minded, tolerant, and accepting**. These are the values that are the backbone of our history and culture. They hold on to the strong Kansas value to "live and let live" - that if one can work and make a life and not bother others, then they deserve to be left alone. This does not mean that the majority of Kansans are supportive of same-sex marriage at this time, but they also do not support discrimination or setting one group aside and saying that they don't deserve certain rights - that they are somehow "less than".

Please vote no on SCR 1601 and against any other attempt to write discrimination into our Kansas Constitution. If you vote for anything, vote for establishing civil unions in our state so that people like myself can fully enjoy the rights we are entitled to as tax paying citizens.

Sincerely yours,



FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 73

Joe Nisil
403 Countryside Road
Junction City, Kansas 66441

January 22, 2005

The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee
The Honorable Federal and State Committee Members

I am writing because as a gay man has lived in Kansas for 20 years and have been in a relationship with my life partner, Scott, for over 16 years. I have worked to contribute to the good of our society and make Kansas a better place to live. I am greatly opposed to the proposed SCR 1601 because of its impact on myself and my friends.

I understand that one of the arguments being put forth to allow this proposed legislation is that the citizens of Kansas have the right to decide. We do not live in a true democracy where every issue is put up for a vote for all to decide. Rather we live in a Republic where elected officials are called upon to make decisions for the good of the whole. It is inappropriate to put minority rights to a majority vote. This amendment proactively discriminates against a set of YOUR constituents - gays and lesbian live in EVERY county in Kansas. Throughout our history we have recognized the inappropriateness of putting minority rights up for a popular vote: civil rights in the 1960s, women's right to vote, interracial marriage, disability rights, etc... do you really think Southern states would have voted to end segregation? Both the House and Senate also enter into frequent debates about eminent domain and the need to protect the weak from the strong, the few from the many. Those fundamental notions cannot be thrown out the window simply because an issue is controversial.

It is time that legislators LEAD rather than follow the hateful agenda of the Radical Religious Right. Their agenda goes against the very principles on which our nation was found. It does not embrace the basic American values of self-interest, self-expression, self-improvement, self-gratification and independence. Nor, that the privacy of the individual is the individual's inalienable right. They wish to throw out these values and replace them with absolutes they themselves fail to observe. I believe that Blaise Pascal, the French mathematician, put it best when he said: "Men never do evil so completely and cheerfully as when they do it from religious conviction."

The Kansas legislature needs to stand up for separation of church and state and to affirm that basic American values are maintained. Our constitution was founded on the principle of an ever-expanding franchisement of citizens and the rights we enjoy. The only moment in our history when this was not the case was the institution of slavery which case the only war fought on our own soil. It is obvious that any attempt to stop this movement is to move towards a time when a human being is not full a human, but only 2/3. Let us not repeat that mistake again.

Sincerely yours,

Joseph E. Nisil, Jr.

FEDERAL AND STATE AFFAIRS

Date 1-26-05
Attachment 74

Ryan Reffitt
1411 Collins Ln. Lot 2
Manhattan Ks.66502

January 22, 2005

**The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee
The Honorable Federal and State Committee Members**

Our state is once again caught in the battle of determining “traditional” family values. As a committee you are being asked to examine a piece of odious legislation, a proposal which the conservatives say is needed to “protect” marriage from the gays and lesbians.

I hear a lot of absurd claims being made by Rev. Robertson and Dr. James Dobson, but none match their claim that their interpretation of “traditional family values” is supported by Jesus. It is not. In fact, nothing could be further from the truth.

The traditional family according to the fundamentalist evangelicals is a husband and wife, faithful to each other until death do them part, and their children. The husband’s purpose is to 1) worship God, 2) earn a living, 3) protect his children, and 4) cleave to his wife. The wife’s duty is to 1) worship God, 2) worship her husband, 3) love her children, and 4) take care of the house.

Of these things, Jesus would certainly support #1, putting God above all things, and 3) loving your children. The rest of the interpretations simply do not fit. The idea that if you’re not such a family you are somehow failing God is *completely* foreign to the teachings of Jesus.

Jesus never married. Within the Jewish tradition, not marrying was almost a sacrilege. Everyone married. The Jews traditionally not believing in an afterlife believed that this life - one’s only life - was centered around four activities: 1) loving God, 2) keeping his commandment, 3) having children, and 4) passing on tradition to the next generation.

FEDERAL AND STATE AFFAIRS
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People received the tradition from their parents, and they owed it to their children. It was considered a personal failing for a Jew not to succeed in any of these four areas.

By not marrying and fulfilling his obligation to God, his family, and his ancestors, Jesus became an outcast. The pressure upon him could hardly have been more intense, and yet he resisted.

I know that you are under great pressure from social conservatives to "define" marriage in terms they feel appropriate. This proposed change in our law represents an intrusion on one group's religious ideology into the lives of 100,000s of individuals who do not share their belief system. I ask that you stand strong, as did Jesus of Nazareth, and do what is right.

Nowhere in the Gospels do we hear Jesus telling people to write discriminatory legislation into law. Jesus surrounds himself with social outcasts - prostitutes and the poor. We hear Jesus time and time again chastising the "Pharisees" for their distortion of the Laws and their tendency to make public displays of their prayers and good deeds.

Anyone who knows anything about the Scriptures knows that Jesus left his biological family and gathered together a chosen family. Many gay and lesbian people have to do the same thing because of the ignorance and bigotry surrounding homosexuality. The proposed law to define marriage and deny gay and lesbians "civil unions" is nothing but a ploy by modern day Pharisees to further their ignorance. It takes true leaders to say no to hate and bigotry, like Jesus did when he asked: "Who amongst you is without sin?"

Say NO to this legislation. Vote it down in committee and vote against it each time it raises its unchristian, undemocratic, head in the legislature.

Respectively yours,



**Andrea Reffitt
364 Grant Avenue
Junction City, Kansas
66441**

January 22, 2005

**The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee
The Honorable Federal and State Committee Members**

Our state is once again caught in the battle of determining "traditional" family values. As a committee you are being asked to examine a piece of odious legislation, a proposal which the conservatives say is needed to "protect" marriage from the gays and lesbians. I have several gay and lesbian family members who will be affected by this legislation.

I hear a lot of absurd claims being made by Rev. Robertson and Dr. James Dobson, but none match their claim that their interpretation of "traditional family values" is supported by Jesus. It is not. In fact, nothing could be further from the truth.

The traditional family according to the fundamentalist evangelicals is a husband and wife, faithful to each other until death do them part, and their children. The husband's purpose is to 1) worship God, 2) earn a living, 3) protect his children, and 4) cleave to his wife. The wife's duty is to 1) worship God, 2) worship her husband, 3) love her children, and 4) take care of the house.

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By not marrying and fulfilling his obligation to God, his family, and his ancestors, Jesus became an outcast. The pressure upon him could hardly have been more intense, and yet he resisted.

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FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 76

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Nowhere in the Gospels do we hear Jesus telling people to write discriminatory legislation into law. Jesus surrounds himself with social outcasts - prostitutes and the poor. We head Jesus time and time again chastising the "Pharisees" for their distortion of the Laws and their tendency to make public displays of their prayers and good deeds.

Anyone who knows anything about the Scriptures knows that Jesus left his biological family and gathered together a chosen family. Many gay and lesbian people have to do the same thing because of the ignorance and bigotry surrounding homosexuality. The proposed law to define marriage and deny gay and lesbians "civil unions" is nothing but a ploy by modern day Pharisees to further is ignorance. It takes true leaders say no to hate and bigotry, like Jesus did when he ask: "Who amongst you is without sin?"

Say NO to this legislation. Vote it down in committee and vote against it each time it raises its unchristian, undemocratic, head in the legislature.

Respectively yours,

Anchea R Reflett

Korin Huncovsky
128 West Pine #2
Junction City Ks. 66441

January 22, 2005

**The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee**

I'm writing to your committee to address the issue of the proposed amendment to the Kansas constitution which would write discrimination into law in our state. I am a lesbian, **I urge you to vote no** because this law will negatively impact me and my family.

The broad language in part (b) of the proposed amendment states: "No relationship, other than a marriage, shall be recognized by the state as entitling the parties to the rights or incidents of marriage", can carry enormous unintended consequences. This section seeks to forever ban civil unions, domestic partnerships, and other forms of relationship recognition. This means that no public entity could ever grant health insurance for same-sex partners. It could easily put in jeopardy the following:

- The ability of same-sex partners to be foster parents (a right currently enjoyed)
- KU Medical Center's policy that provides health care for same-sex partners of students
- Medical powers of attorney and/or living wills.

Life, liberty and the pursuit of happiness is probably the most famous phrase in American literature. *Life* is Obvious; it is our physical life. *Liberty* is the freedom to live that life the way we choose. The phrase *the pursuit of happiness* is so vague, so broad, and so far-reaching that it is, well, revolutionary. Even today. It, of course, does not guarantee us happiness; but it does give us the right to *pursue* happiness -- whatever we think that may be, in whatever way we think will get us there.

It is the law's job to protect innocent people from likely harm to their person or property. It is **not b the law's job to prohibit my happiness**. The proposed amendment makes me

FEDERAL AND STATE AFFAIRS

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a second class citizen in our state, throws into question concerns which the state has no business being involved in: my personal LIFE, My personal LIBERTY; my PERSUIT of HAPPINESS. This is a bad law. It is inspired by bigotry and hate.

The great American statesperson Hubert H. Humphery once said: "The ugliness of bigotry stands in direct contradiction to the very meaning of America." This proposed law is bigotry. It is NOT about protect families; it is about allowing discrimination.

PLEASE vote NO!

A handwritten signature in cursive script, appearing to read "Hubert H. Humphery". The signature is written in dark ink and is positioned below the text "PLEASE vote NO!".

Millie Nimmo
2524-32 Commonwealth Drive
Junction City, Kansas 66441
785-238-6903

January 22, 2005

The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee
The Honorable Federal and State Committee Members

Our state is once again caught in the battle of determining "traditional" family values. As a committee you are being asked to examine a piece of odious legislation, a proposal which the conservatives say is needed to "protect" marriage from the gays and lesbians.

I hear a lot of absurd claims being made by Rev. Robertson and Dr. James Dobson, but none match their claim that their interpretation of "traditional family values" is supported by Jesus. It is not. In fact, nothing could be further from the truth.

The traditional family according to the fundamentalist evangelicals is a husband and wife, faithful to each other until death do them part, and their children. The husband's purpose is to 1) worship God, 2) earn a living, 3) protect his children, and 4) cleave to his wife. The wife's duty is to 1) worship God, 2) worship her husband, 3) love her children, and 4) take care of the house.

Of these things, Jesus would certainly support #1, putting God above all things, and 3) loving your children. The rest of the interpretations simply do not fit. The idea that if you're not such a family you are somehow failing God is *completely* foreign to the teachings of Jesus.

Jesus never married. Within the Jewish tradition, not marrying was almost a sacrilege. Everyone married. The Jews traditionally not believing in an afterlife believed that this life - one's only life - was centered around four activities: 1) loving God, 2) keeping his commandment, 3) having children, and 4) passing on tradition to the next generation. People received the tradition from their parents, and they owed it to their children. It was considered a personal failing for a Jew not to succeed in any of these four areas.

By not marrying and fulfilling his obligation to God, his family, and his ancestors, Jesus became an outcast. The pressure upon him could hardly have been more intense, and yet he resisted.

I know that you are under great pressure from social conservatives to "define" marriage in terms they feel appropriate. This proposed change in our law represents an intrusion on one group's religious ideology into the lives of 100,000s of individuals who do not

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 78

share their belief system. I ask that you stand strong, as did Jesus of Nazareth, and do what is right.

Nowhere in the Gospels do we hear Jesus telling people to write discriminatory legislation into law. Jesus surrounds himself with social outcasts - prostitutes and the poor. We head Jesus time and time again chastising the "Pharisees" for their distortion of the Laws and their tendency to make public displays of their prayers and good deeds.

Anyone who knows anything about the Scriptures knows that Jesus left his biological family and gathered together a chosen family. Many gay and lesbian people have to do the same thing because of the ignorance and bigotry surrounding homosexuality. The proposed law to define marriage and deny gay and lesbians "civil unions" is nothing but a ploy by modern day Pharisees to further is ignorance. It takes true leaders say no to hate and bigotry, like Jesus did when he ask: "Who amongst you is without sin?"

Say NO to this legislation. Vote it down in committee and vote against it each time it raises its unchristian, undemocratic, head in the legislature.

Respectively yours,

Melvin A. Nemms

Cheryl Hoffman
711 E.11th
Juction City Ks.66441

January 22, 2005

**The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee
The Honorable Federal and State Committee Members**

I am writing today to ask that your committee votes to kill SCR 1601 in your committee and that you committee members vote against should it be brought to the floor of the Kansas House through other methods. This is just bad legislation, pure and simple. But what galls me more is that supposedly "Christian" people are saying this law is needed.

Whom did Jesus spend time with? Who were his friends, his followers, his chosen Twelve? Fishermen, women, "sinners," prostitutes, zealots, and even the lowest of the low, tax collectors! Jesus celebrated diversity. Why shouldn't Christians of today do the same? People with diverse lifestyles can -- when fully accepted -- contribute enormously to Christianity and our understanding of Christ.

Consider, for example, what just three homosexuals added to Christianity and Western Culture. If Leonardo da Vinci had been jailed, we would not have his *Last Supper*, the most famous image of not only that event, but of how Jesus himself appeared. If the pope had burned Michelangle, rather than employed him to paint the celing oand -- from the panel, "The Creation of Adam" -- our most popular image of God. If the church had executed King James 1 of England for his homosexual activities, we would not have the King James translation of the Bible.

Now stop and think for a moment what effect SCR 1601 will have on Kansas. How many young men and women will leave our state for environments where diversity is valued and supported and where they can have their relationships affirmed and valued? Are we going to loose future governors, inventors, and workers? You KNOW we are. The people wanting you to write discrimination into our constitution no more care for the future of our state and her people, than the terrorists who shocked our nation on 9-11.

FEDERAL AND STATE AFFAIRS

Date 1-26-05
Attachment 79

It is time legislators found the moral fortitude and said no to hate, to discrimination, and got on with the business of solving the real issues facing our state: providing economic opportunities for young people to stay in our state, to prevent our nationally acclaimed educational system from becoming that of a Third World nation; to provide health care for all Kansans; and protecting the rights and liberties of ALL Kansans.

Sincerely yours,

I believe everybody should be happy
amongst ourselves + legislature shouldn't
stop us.

Cheyl Hoffman

Lori Lowery
126 Tana Drive
Junction City, Kansas 66441

January 22, 2005

**The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee
The Honorable Federal and State Committee Members**

As a lesbian woman who has lived her whole life in Kansas and is currently in a relationship, I am writing you to express my displeasure with the lack of leadership and fortitude to say no to bigotry and hate as embodied in the proposed amendment on marriage to the Kansas Constitution. My partner and I have been together for four years and have every intention to remain together for the rest of our lives.

What disturbs me the most about the proposed law is that it blurs the separation of Church and State that is a corner stone of our democracy.

Jesus of Nazareth was clearly in favor of this separation, in fact few things in the Bible are more certain. His teaching was spiritual: he had no interest in this world. Short of appointing twelve disciples, he didn't even bother setting up a church or any other formal organization. Time and again, his statements indicated he had no interest in the corporeal governments of the world:

“Heaven and earth will pass away, but my words will never pass away.”
Matthew 24:35

What is interesting is that the concept of separation of church and state was unknown at the time of Jesus. Yet, Jesus was vehemently opposed to political activities, something many religious leaders today should take note of. Jesus rebuked his followers who wanted him to take corporeal government and establish himself as a leader.

Today many on the Right rattle on and on saying that the United States was founded as a “Christian nation.” Obviously they do not understand that most, if not all, of the founders - Jefferson, Washington, Adams, Franklin - were Deists belonging to the Unitarian movement of Congregationalism. Jefferson, the author along with James Madison of *The Virginia Statute on Religious Liberty*, the forerunner of the freedom of religion provisions in our Bill of Rights, once stated: “Our civil rights have no dependence on our religious opinions, any more than our opinions in physics and geometry.”

The Virginia Statute of Religious Liberty begins by stating that “Almighty God hath created the mind free,” and attempts to influence others in religious matters by using the force of government “tend only to beget habits of hypocrisy and meanness” Further

FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 80

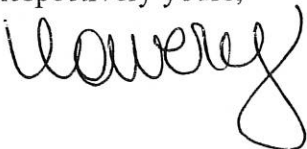
claimed Jefferson, laws based on religious beliefs are not just a civil injustice, but “a departure from the plan of the Holy author of our religion.” After all, if God wanted to physically punish people for not obeying the precepts of a certain religion, He could, because it “was in his Almighty power to do.”

If the government wants to protect the institution of marriage, then this amendment is NOT how to go about it. What the government needs to do is act to ensure that all people entering into marriage have a living wage for a salary, enjoys the benefits of health insurance, and have access to affordable housing, good schools, child care, and adequate time off from their jobs to full care for their families. All of these support mechanisms are currently greatly lacking in US society and in the State of Kansas. Every dollar spent on this immoral legislation is depriving families from thriving and taking attention away from the real issues.

The government has no place in deciding whom I can love, and has no place denying me and my life partner the benefits of CIVIL Marriage. No church will be forced to marriage anyone they do not wish to... provided that separation of Church and State continues. This amendment is BAD legislation. It is driven by bigotry and hate and goes against everything our nation is founded on.

Please vote to terminate Senate Resolution 1601 and any other attempt to write discrimination into our constitution.

Respectively yours,



**Shanna Chapman
126 Tana Drive
Junction City, Kansas 66441**

January 22, 2005

**The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee
The Honorable Federal and State Committee Members**

I am writing today as a straight ally to ask that your committee votes to kill SCR 1601 in your committee and that you committee members vote against it should it be brought to the floor of the Kansas House through other methods. My closest friend is a lesbian, we have know each other for 22 years, since 2nd grade. This is just bad legislation, pure and simple. It is hurtful and intended to set up a whole class of individuals for discrimination.


I have to ask the question: Whom did Jesus spend time with? Who were his friends, his followers, his chosen Twelve? Fishermen, women, "sinners," prostitutes, zealots, and even the lowest of the low, tax collectors! Jesus celebrated diversity. Why shouldn't Christians of today do the same? People with diverse lifestyles can -- when fully accepted -- contribute enormously to Christianity and our understanding of Christ.

Consider, for example, what just three homosexuals added to Christianity and Western Culture. If Leonardo da Vinci had been jailed, we would not have his *Last Supper*, the most famous image of not only that event, but of how Jesus himself appeared. If the pope had burned Michelangelo, rather than employed him to paint the ceiling and -- from the panel, "The Creation of Adam" -- our most popular image of God. If the church had executed King James 1 of England for his homosexual activities, we would not have the King James translation of the Bible.

Now stop and think for a moment what effect SCR 1601 will have on Kansas. How many young men and women will leave our state for environments where diversity is valued and supported and where they can have their relationships affirmed and valued? Are we going to loose future governors, inventors, and workers? You KNOW we are. Mostly I fear the lost of a friend who has helped me in my times of need and who has made my life better because I have know her.

It is time legislators found the moral fortitude and said no to hate, to discrimination, and got on with the business of solving the real issues facing our state: providing economic opportunities for young people to stay in our state, to prevent our nationally acclaimed educational system from becoming that of a Third World nation; to provide health care for all Kansans; and protecting the rights and liberties of ALL Kansans.

Sincerely yours,

Shanna Chapman


FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 81

**Angela Reffitt
1411 Collins Lane, Lot 2
Manhattan, Kansas 66502**

January 22, 2005

**The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee
The Honorable Federal and State Committee Members**

I am writing today as a straight ally to express my opposition to SCR 1601. I encourage your committee to kill this piece of legislation and that you and your committee members vote against it should it be brought to the floor of the Kansas House through other methods. Several members of my immediate family are gay and lesbian. I grew up knowing gay and lesbian people and know they are good, caring, loving people. This legislation will directly affect them and my family.

What is really upsetting to me is that the people supporting this legislation apparently do not follow the example Jesus of Nazareth gave to us. He chose to associate with the poor, women, "sinners," prostitutes, zealots, and even the lowest of the low, tax collectors! Jesus celebrated diversity and calls us to do the same.

Consider, for example, what just three homosexuals added to Christianity and Western Culture. If Leonardo da Vinci had been jailed, we would not have his *Last Supper*, the most famous image of not only that event, but of how Jesus himself appeared. If the pope had burned Michelangelo, rather than employed him to paint the ceiling and -- from the panel, "The Creation of Adam" -- our most popular image of God. If the church had executed King James 1 of England for his homosexual activities, we would not have the King James translation of the Bible.

How will this legislation affect Kansas? Many men and women will leave our state for environments where diversity is valued and supported and where they can have their relationships affirmed and valued. I know people who have moved away from Manhattan because of the unsupportive environment they faced in our schools.

It is time legislators found the moral fortitude and said no to hate, to discrimination, and got on with the business of solving the real issues facing our state: providing economic opportunities for young people to stay in our state, to prevent our nationally acclaimed educational system from becoming that of a Third World nation; to provide health care for all Kansans; and protecting the rights and liberties of ALL Kansans.

Sincerely yours,



FEDERAL AND STATE AFFAIRS

Date 1-26-05
Attachment 82

Susan Hurst
917 Sunrise Hill Drive
Junction City, Kansas 66441

January 22, 2005

The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee
The Honorable Federal and State Committee Members

I am writing today to ask that your committee votes to kill SCR 1601 in your committee and that you committee members vote against should it be brought to the floor of the Kansas House through other methods. I have a gay brother who has been in a relationship for over five years. It is designed to punish him and his partner for the love they share for each other. This is just bad legislation, pure and simple. But what galls me more is that supposedly "Christian" people are saying this law is needed.

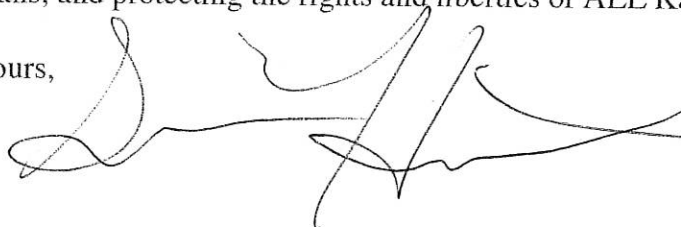
Whom did Jesus spend time with? Who were his friends, his followers, his chosen Twelve? Fishermen, women, "sinners," prostitutes, zealots, and even the lowest of the low, tax collectors! Jesus celebrated diversity. Why shouldn't Christians of today do the same? People with diverse lifestyles can -- when fully accepted -- contribute enormously to Christianity and our understanding of Christ.

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It is time legislators found the moral fortitude and said no to hate, to discrimination, and got on with the business of solving the real issues facing our state: providing economic opportunities for young people to stay in our state, to prevent our nationally acclaimed educational system from becoming that of a Third World nation; to provide health care for all Kansans; and protecting the rights and liberties of ALL Kansans.

Sincerely yours,



FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment 83

Scott Wesoloski
1017 Ceder
Junction City, Kansas 66441

January 22, 2005

The Honorable Rep. Chair John Edmonds
Kansas House of Representatives, Federal and State Affairs Committee
The Honorable Federal and State Committee Members

Marriage is central to our culture. Marriage legally confers over 1,000 benefits, but that is only the material aspect. Marriage is an institution, the public expression of lifelong commitment based on love. As a gay man, I want to be able to publicly express the love I have for life partner.

Marriage is also understood in terms of deep and abiding metaphors: a journey through life together, a partnership, a union, a bond, a single object of complementary parts, a home. Marriage confers social status. None of this richness requires marriage to be heterosexual -- not is definition, its sanctity, its rituals, its family life, its hopes and dreams. The locus that marriage is heterosexual is a widespread cultural stereotype. I know from personal experience gay and lesbian couples who have been together for 15, 20, even 30 years. Is not their relationship a marriage?

Those who oppose marriage equity do so by calling on stereotypes that have been proved wrong through scientific, anthropological and sociological research. Polls show most Americans overwhelmingly against antigay discrimination, but equally against "gay marriage." That is because *marriage* evokes the idea of sex, and most American do not favor gay sex. However, sex is one small part of who I am as a person. As the research has shown, sex plays no more and no less of a role in my relationship as it does any other married person's relationship. I am first and foremost a human being.

I do not want to speak of "gay marriage," but rather marriage equity. Equity is a fundamental principle of our culture and government. Do you not, when you pledge alliance to our flag, say the words: "with liberty and justice for ALL"? What the conservative Christians are wanting you to do is change that phrase from "all" to "some."

If you pass this amendment and allow it to go to a popular vote, you are saying that I do not deserve liberty or justice. You say that my feelings and emotions, things that are extremely personal to me, can be rule invalid by the government; that the government has the right to interfere with the sanctity of my personal liberty. I believe that this goes against our federal and state constitution.

Some talk of the economic benefits of marriage, but I want you to focus on the sanctity of my relationship. Is not the martial ideal that of love and commitment? How can the government say that my relationship is not one of love and commitment?

I do not believe that the state should be in the business of telling people who they can or can't marry. Marriage is about love and commitment, and denying lovers the right to marry is a violation of human dignity.

Please vote no on SCR 1601 and against any attempt to deny me my dignity and worth as a human.

Sincerely yours,



FEDERAL AND STATE AFFAIRS

Date 1-26-05

Attachment B4



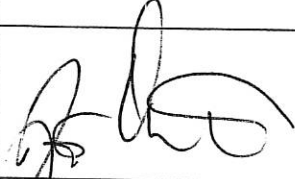

To: The Honorable Rep. Chair John Edmonds, Kansas House of Representatives, Federal and State Affairs Committee
 The Honorable Federal and State Committee Members

We the undersigned wish to express our disapproval of SCR 1601 which is before your committee for hearing. The proposed amendment would write discrimination into our constitution in the realm of civil marriage. To us this proposed amendment has been brought by a group of people whose narrow interpretation of the Christian tradition nullifies many of the teachings of Jesus of Nazareth; infringes upon our right to freely express our religious beliefs; and, singles out one group within Kansas for open discrimination.

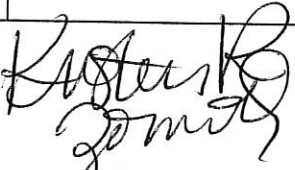
At issue here is **equality** for all people in the area of **civil marriage**. No religion will be forced to marry people. Religions that wish to can and do. But this action of proposing an amendment is to prohibit equal protection with equal access to marriage for same-gender couples that married couples now enjoy is outrageous and un-American.

On May 17, 1954, the US Supreme Court ruled that 'separate but not equal' was unconstitutional in matters of race. Fifty years later, on May 17, 2004, same-gender couples stopped being second-class citizens in Massachusetts. We now ask that justice be served, that love and commitment be honored, that your committee stand for the values this nation was found on.

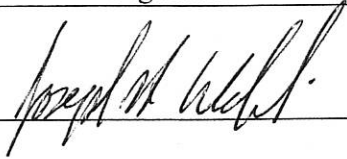
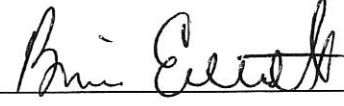










We the undersigned ask that you vote "NO" on SCR 1601 and any other attempt to write discrimination and hate into our constitution.

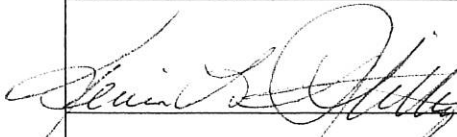
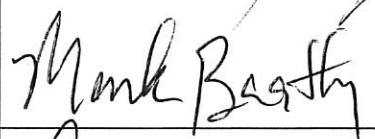
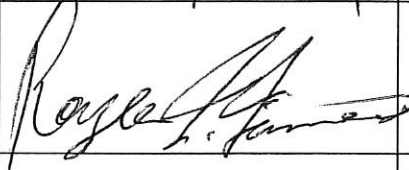


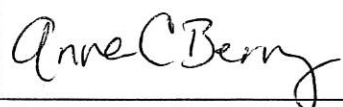






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	Colin Blessner	729 Blessner Ln Junction City KS 66441
	JAMES OUTLET	4317 E BOSTON Wichita, KS
	Melodie Pooler	1413 Nichols St. manhattan KS. 66503


Kristen
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Matthew
Lothian

1247 1/2
SC, K
FEDERAL AND STATE AFFAIRS
Date 1-26-05
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	Chelsie Riddle	876 Wild Rose Ln Stockdale Tx 78160
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