

## Floor Speech on Constitutional Amendment to Ban Gay Marriage

Madame President, House Bill 2381, which was introduced earlier this year in both the House and the Senate proposes to enshrine in our State Constitution a principle of discrimination. The measure is disheartening, divisive and diversionary to say the least. This Bill is not about embellishing our Constitution with further democratic appurtenances and civil rights privileges but would violate the basic tenet and purpose of our State Constitution, which states that, “the general, great and essential principles of liberty and free government may be recognized and unalterably established”. Our State Constitution is as historically significant in its age and durability as our nation’s Constitution and Bill of Rights. Article I, Declaration of Rights, Section 26 enumerates this further by establishing that “neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right”.

Section 28 explicitly states that, “equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual.”

The legislation before us today is not about protecting or enhancing a cherished principle but a bill that reflects pandering and political posturing on a hot button emotionally charged issue. I believe its sole impetus and purpose, whether on the national or state level, is to polarize the electorate in hopes that people forget about truly substantive issues that the Legislature has failed to act on to the benefit of our varied constituencies. The political timing (even down to the week of Gay Pride celebrations across the state and the nation) takes a page right out of the Karl Rove school of defensive politics...when your polling and confidence numbers are way down because of the War in Iraq, the War in Afghanistan, the lop-sided economy and the dwindling middle class, joblessness and under-employment, unwarranted and illegal spying, lying to the Congress, outrageous trade deficits and a staggering strangling national debt, lack of a national health care plan , confusion and

resentment on the pharmaceutical serving and contrived Medicare Part D program, or a plethora of critical life and death issues affecting the American people and the residents of our Commonwealth.....then throw up the smoke screens, sharpen up the finger pointers and start appealing to people's fears and misconceptions. Pennsylvania law already exists and allows only legal marriage between one man and one woman. The Pennsylvania Bar Association rightfully points out that this Amendment may preclude future judicial scrutiny of the Defense of Marriage Act and may infringe upon the independence of and the integrity of our Judicial Branch. The institution of marriage is not under threat from gays or lesbians seeking legal legitimacy of their loving relationship any more than financially struggling seniors who need and desire to live together without penalty to their social security income ... or millions of heterosexual couples who chose to live together in what some may consider "in sin" or are not yet ready to "take the plunge and make the commitment". This Legislature needs to get off its high moral horse and stop

telling people how to live their adult lives. If you want to help preserve, protect and enhance marriage, in any of its forms, then let's help struggling couples meet their day-to-day economic and household needs ... or maybe give people support when the chips are down or encourage people to pull together as a family when dark clouds loom overhead. Our society, a truly unique and great American experience, has been nourished because of the extension of rights to women, to racial minorities, to those who may be physically or mentally challenged, to immigrants and to children who can't advocate for themselves in all instances and to sexual minorities who ask that their conduct be treated equitably in a democratic society. We are truly great and envied because of our tolerance and acceptance ...let this not be undermined today with an affirmative vote.

Should House Bill 2381 be approved, we will once again be thrust into a time of discrimination and intolerance, and for the first time in history, discrimination of a select minority would be written into the Constitution.

This is why I am strongly against making a constitutional amendment that bans same-sex marriage.

Legislation and legal rulings represent the ever-changing fluidity of our society and reflect the ever-changing opinions of the period in which they are made. Fundamental changes to our Constitution should not be done in an expedient and pusillanimous manner. To my knowledge no formal public hearings have taken place and many weighty issues that need careful deliberation and thought have not been explored or debated. For instance: What is the urgency of this bill in light of current law clearly defining marriage between a man and a woman? Do church-state separation issues need to be explored further? What is the impact to existing rights and protections afforded to currently unmarried couples? And although I recognize that SB 2381 was amended in Committee, I believe we still have to grapple with questions regarding the affects of this bill on domestic partnership benefits afforded to thousands of Pennsylvanians through collective bargaining, benefit plans offered by public institutions, or the right

of the private sector to entice the best and the brightest to their place of employment? What about the numerous local Ordinances that provide civil rights protections based on marital status or domestic partnerships? What about other states and nations that extend legal recognition to same sex couples and are those couples to lose their rights when they reside or move to Pennsylvania? Are we going to place a “do not enter” sign at the doorway of Pennsylvania? Many domestic abuse counselors and advocates have expressed fear that a court may narrowly interpret this law to mean that individuals seeking a protection from abuse order can only be married ... not dating or living together, let alone be gay or lesbian or considered a sexual minority. The list of policy questions is seemingly endless and it is irresponsible to approve this bill without further public comment and discourse.

Writing discrimination into our Constitution would be unconscionable and immoral. The Pennsylvania Constitution should not be tarnished with this measure and as I pointed out earlier we already have in statute a Defense of Marriage Act that

defines marriage solely between a man and a woman. The perceived attack on the institution of marriage from an activist Pennsylvania court system has not proven to exist. No reasonable legal threat has been mounted in Pennsylvania that would make me believe that there is rational cause for adding this amendment.

Pennsylvanian's deserve better leadership. The Legislature is distracting itself from the necessary work we should be doing such as crafting a quality budget, providing health care coverage for as many of our fellow Pennsylvanians as possible if not all, building a stronger economy and creating new jobs. We should be drafting policies that help create stable, healthy families, not imposing a narrow-minded definition of what constitutes a family, and effectively undermining what is a vibrant, healthy and productive part of our communities.

This brings me to another point. What are we losing by putting bigotry on display and enshrining it into our State Constitution in this way? The GLBT community, individually and collectively, participates in the productive and meaningful day-to-

day life of every community and work place in our great Commonwealth, recognized or otherwise. You don't have to celebrate diversity, you don't have to appreciate diversity, you can continue to have the right to your own prejudices and biases, but why deny others the same civil and human rights that you seek for yourself? Those who some consider may be in the sexual minority pay taxes, live and work and contribute to society, may be teachers and preachers and politicians, have families and pay bills or have good times or bad times just like anybody else. Set aside your prejudice for just a minute and imagine that you have been in loving and caring relationship for many years and your love one is on his or her death bed and the hospital personnel tells you your not family so you can't stay in the room in your loved ones final passage... this is not what God ordained for humanity. Image the relatives of your loved one who may be ten times removed and not even friends to the now deceased legally inheriting the house and property that the two of you built up and shared during your life relationship because you are not recognized with legal standing.

We cannot even count the number of children in loving and nurturing homes across our Commonwealth who will be threatened with hateful reprise should the next bill seek to ensure that children may be adopted or raised by heterosexual married couples only!

This is part two of the agenda. Placing this amendment on a general election ballot I fear will subject our state to a vicious campaign that will be divisive to Pennsylvania citizens and downright hurtful to gay, lesbian, bisexual and transgendered residents of our state.

We are today choosing between alienating our neighbors and possibly pushing them out of our communities, or defeating this amendment and paving the way towards an integrated, open-minded, caring and democratic community that offers equal rights and liberties to all; and at the expense and infringement to none.

Society is always evolving, and acceptable convictions, prejudices and standards continue to be modified. One hundred years ago, women did not have the right to vote, racial minorities

faced societal prejudice and second class citizenship, you could be jailed for what now may be considered acceptable forms of free speech, and only the well off received public education as the social norm. Many closed minds have thankfully been reversed in our now diverse society, and one day it is very possible that our society comes to accept same-sex marriage and legitimizes civil unions which is now the acceptable norm in Italy, Canada, Spain, England, Sweden and many other nations in the world. Regardless of what many of you feel about same sex marriage – it is necessary that we take a step back and realize the enormity of tampering with the constitution. It shouldn't be our first course of action, at the very least; it should be a last resort.

Amending the constitution should not be taken lightly. This process is difficult for a reason; the strength and well being of our Commonwealth is at stake.

A law is enough to accomplish a ban on same sex marriage; amendments like these take away the rights of all men and women, regardless of their sexual preference or personal proclivities.

While the constitution has been amended in the past, it has never been altered with the express intent to deny equal protection to an entire class of citizens, and now is not time to start. Please reject HB 2381 and Senate Bill 1084 and let's get back to the people's business.