

change unleashed huge pent-up demand among Danish women to have children, and that led to a temporary increase in the marriage rate among older Danes. But all that time, younger Danes have been taking up the practice of unmarried parenthood that is already so popular in the rest of Scandinavia.

The Slippery Slope to Polygamy, Polyamory (Group Marriage) and Parental Cohabitation:

(1) Once we say that same-sex couples can marry, it's going to be impossible to deny that right to polygamists and believers in group marriage. After all, gay marriage is being advocated on grounds of relationship equality. So if all relationships are equal, why is group marriage forbidden? And don't think it can't happen here. We already know that there are thousands of practicing polygamists in some Western states. But did you also know that there are groups of "polyamorists" all over the country? Just go to the Internet and run a google search on the word "polyamory." The polyamorists have already had one court case trying to gain recognition for a marriage of a woman and two men. They're just waiting for gay marriage to pass to begin agitating for legalized group marriage. And after granting gay marriage on equal protection grounds, how is a court going to deny them? There are plenty of polyamorists out there, but the problem goes further than that. We now have an advocacy group called the "Alternatives to Marriage Project" which supports polyamory and other innovations like parental cohabitation. The Alternatives to Marriage Project is frequently quoted in the mainstream media. And believe it or not, the most powerful faction of family law scholars in our law schools favors legal recognition of both polyamory and parental cohabitation. There are even law review articles out now advocating both. And the influential American Law Institute has even come out with proposals which would grant nearly equal legal recognition to cohabiting and married parents. If we allow marriage to be radically redefined now, we will not be able to stop these further changes.

(2) Now I know that some folks scoff at the claim that same-sex marriage could lead to polygamy. But just look at what's happened around the world in the past year or so. In Sweden, which passed the first same-sex partnership plan in the world, we've had a serious proposals floated by parties on the left to abolish marriage and legalize multi-partner unions. In the Netherlands, the first country in the world to have full and formal same-sex marriage, a man and two bisexual women signed a triple cohabitation contract. When a conservative political party asked the Dutch government to withdraw recognition from that contract, the government refused. In fact, the Dutch Justice Minister said it was actually a good thing that the law was beginning to provide support for multi-partner relationships. In Canada, two out of four reports commissioned by the last government recommended the decriminalization and regulation of polygamy. True, the revelation of those reports helped Canada's Conservative Party win the last election. But the fact remains that many of Canada's legal elites want to see the abolition of traditional marriage and official recognition for multi-partner unions.

And of course, in America we've got "Big Love," a popular television show on HBO about polygamy. Even a year ago, no-one would have believed it if someone had said

we'd soon have a television show with polygamists as heroes. But it's happened. And next week the BRAVO Channel is going to run a sympathetic documentary about a relationship between a woman and two bisexual men. It's called "Three of Hearts," and it's already played in movie theaters across the country.

The truth is, this is only the beginning. Advocates for multi-partner unions are out there, but many of them are waiting for same-sex marriage to be legalized before they make their move to gain public acceptance. Newsweek has already said that "polygamy activists are emerging in the wake of the gay marriage movement." Well, just wait till gay marriage is actually legalized. If that happens, you can bet we'll see plenty more movies and television shows along the lines of "Big Love" and "Three of Hearts." The people on the so-called "cutting edge" of culture in Europe and Canada have already made it clear that multi-partner unions are their next crusade, and it's happening in America even as we speak. The only way to put a stop to it is to define marriage as the union of a man and a woman.

The Threat to Religious Freedom:

(1) It's becoming increasingly apparent that gay marriage poses a significant threat to religious liberty. Scholars on both the left and right agree that same-sex marriage has raised the specter of a massive and protracted battle over religious freedom. In states that adopt same-sex marriage, religious liberty is clearly going to lose. Gay marriage proponents argue that sexual orientation is like race, and that opponents of same-sex marriage are therefore like bigots who oppose interracial marriage. Once same-sex marriage becomes law, that understanding is likely to be controlling. Legal same-sex marriage will be taken by courts as proof that a "public policy" in support of same-sex marriage exists.

So in states with same-sex marriage, religiously affiliated schools, adoption agencies, psychological clinics, social workers, marital counselors, etc. will be forced to choose between going out of business and violating their own deeply held beliefs. If a religious social service agency refuses to offer counseling designed to preserve the marriage of a same-sex couple, it could lose its tax-exempt status. Religious schools would either have to tolerate conduct they believed to be sinful, or face a cut-off of federal funds. It's already happening, as we've seen with the recent withdrawal of Boston's Catholic Charities from the adoption business.

Free speech could also be under threat, as sexual-harassment-in-the-workplace principles are used by nervous corporate lawyers to draw speech prohibitions on the marriage issue. Fear of litigation will breed self-censorship. One expert predicts "a concerted effort to take same-sex marriage from a negative right to be free of state interference to a positive entitlement to assistance by others."

Some folks say the answer to this problem is special exemptions from the law for religious conscience. But conscience exemptions would be very difficult to enact. And in Europe, which has tried this in places, conscience exemptions are breaking down and failing to provide protection for the traditionally religious.

The lesson in all this is clear. There's a lot more at stake in the battle over same-sex marriage than the marriage issue itself, important as that is. The very ability of religiously affiliated organizations to exist and operate is under threat.

Mr. HOLT. Mr. Speaker, I rise today to oppose the Federal Marriage Amendment, H.J. Res. 88.

Just a few yards down the hall from where we are debating this discriminatory constitutional amendment today, in the Rotunda of this great Capitol, stands a bust of Dr. Martin Luther King, Jr. Every time I walk through the Rotunda, I remember Dr. King's struggle and what his life meant for me and for all Americans. For too long, the inalienable constitutional rights of all Americans were denied to many of our neighbors. As the leader of the civil rights movement, Dr. King helped secure equal rights for all Americans regardless of the color of their skin.

One of the things that Dr. King fought against were the anti-miscegenation laws that existed at some point in 49 states. These laws prohibited interracial marriage and they were still in effect in sixteen states when the Supreme Court ruled them unconstitutional in 1967 because they denied the liberty of American citizens. Legal bans on interracial marriage were defended with all the kinds of arguments used by proponents of bans on same sex marriage: They would say that interracial marriages are contrary to the laws of God or contrary to centuries of social tradition or harmful to the institution of marriage or harmful to children. Would any Member of this body now defend those bans? Those bans were discriminatory and took away the rights of American citizens—in short they were what the Constitution was designed to prohibit. No one longs for anti-miscegenation laws today. We as a nation have learned from our mistakes.

Or have we?

We remember Dr. King for what he stood for, not just for who he was. As he said, "man is man because he is free to operate within the framework of his destiny. He is free to deliberate, to make decisions, and to choose between alternatives. He is distinguished from animals by his freedom to do evil or to do good and to walk the high road of beauty or tread the low road of ugly degeneracy."

Today, I ask, will we do evil or will we do good? Will we keep the spirit of the Founding Fathers alive? Will we respect and honor the foundations of our constitutional government or will we chart a new course and, in the name of protecting an institution that is under no threat, shred the very premise of our Constitution.

Our Constitution is the source of our freedom in this great country. For almost 220 years, the Constitution—mankind's greatest invention—has allowed our diverse people to live together, to balance our various interests, and to thrive. It has provided each citizen with broad, basic rights. The inherent wisdom of the Constitution is that it doesn't espouse a single viewpoint or ideology. Rather it protects all individuals as equal under the law.

In more than 200 years, the Constitution has been amended on only 27 occasions. With the exception of Prohibition—which was later repealed—these amendments have affirmed and expanded individual freedoms and rights. Yet, this proposed amendment threatens to lead us in a dangerous new direction. This amendment would restrict freedoms, and codify discrimination into our guiding charter.

We must think deeply about the ramifications of allowing such an amendment to be ratified. It would create a group of second-

class citizens who lack equal rights due to the private, personal choices they and their loved one have made. It would also transfer to the federal government the right to recognize marriages, a power that had previously been retained by the States.

This amendment is not only discriminatory and inhumane, it is also illogical. How does this actually protect marriage? What is it exactly about same sex marriage that is putting heterosexual marriage at risk? Do the proponents of the ban on same sex marriages want to annul all childless marriages or require all newlyweds to promise to have children? Do the proponents of this ban think for a moment that the marriage of loving people of the same sex are the case of America's high divorce rate among heterosexuals. It seems to me that other factors than this are responsible for the high divorce rate.

I certainly agree that the institution of marriage and a cohesive family unit are vital to the health of our communities and the success of our society. Unfortunately, the amendment we are debating today does nothing to strengthen the bonds of matrimony, nor does it strengthen families or enhance our communities. In fact, it divides our communities, and shows contempt to a minority population. Throughout history, we have only moved forward when our society has come together to build a more perfect union, not intentionally divide American against American.

No one should be denied the opportunity to choose his or her life partner. It is a basic human right. It is a deeply personal decision. Attacking gay couples who want to share life-long obligations and responsibilities undermines the spirit of community that this amendment purports to strengthen.

In 50 years will we build a statue to honor the great advances for our society that this amendment provided, as we do for the life of Dr. King? No. In the long shadow of history, this amendment and the philosophy behind it will be remembered alongside anti-miscegenation laws as offending the spirit of America and our founding principles.

I hope that my colleagues will recognize the tremendous cost this amendment will have for our freedoms and I respectfully urge them to oppose it.

Mr. TERRY. Mr. Speaker, I rise in support of H.J. Res. 88, the Marriage Protection Amendment.

Last Friday, the 8th Circuit Court of Appeals upheld the Nebraska constitutional amendment protecting marriage between one man and one woman, and affirming the legal protections and benefits reserved to this fundamental union. The amendment was approved by an overwhelming 70 percent majority in 2000.

Nationwide, 45 states have defined marriage as the union of one man and one woman or expressly prohibited same-sex marriage. Twenty states approved constitutional amendments upholding marriage; six states will vote on an amendment in November; and eight states are considering sending constitutional amendments to voters in 2006 or 2008. The 16 states that approved constitutional amendments since 2004 did so by an average 72 percent voter majority.

Even voters in Massachusetts—the first state to have its supreme court unilaterally declare same-sex marriage as constitutional—may have the opportunity to uphold marriage.

The state's high court ruled last week that legislative efforts to put a same-sex marriage ban on the 2008 ballot could move forward. Recent court rulings in New York, Tennessee and Georgia have also upheld marriage rights.

The Federal Marriage Protection Amendment under consideration today would prohibit any governmental entity—whether in the legislative, executive or judicial branch at all levels of government—from altering the definition of marriage. It does not discriminate against homosexuals; it upholds and recognizes the importance of marriage between a man and a woman for the well-being of children and society at large.

Mr. Speaker, the American people want the Marriage Protection Amendment to be approved. Their will is clearly reflected through the overwhelming majorities voting for marriage protection initiatives in the states. We have a responsibility to children and families nationwide to send a clear message today that marriage will be upheld and protected. We also have a sacred duty to future generations to preserve marriage as the fundamental building block of society.

I urge my colleagues to join me in supporting H.J. Res. 88 today.

Mr. SHAYS. Mr. Speaker, today we are debating a Constitutional amendment drafted not to protect my marriage or my family—I see no reasonable way to argue it would—but rather to explicitly deny a portion of our society the right to marry and the benefits that accompany that kind of partnership.

I do not advocate the legalization of gay marriage, but our Constitution is simply not the proper place to set this kind of social policy.

I believed back in 1996, when I voted for the Defense of Marriage Act, and I still believe today, the decision about whether to recognize gay marriage should be left to the states.

I can't help but wonder . . . Why are we doing this? What are we so afraid of?

Gay men and women pass through our lives every day. There are wonderful teachers and leaders and role models who happen to be gay and sometimes we don't even know they're gay.

I wouldn't be a Member of Congress today if it weren't for an extraordinary teacher I had in High School 40 years ago. I learned years later he was gay and that he had commuted from Connecticut to Washington, DC, every weekend in part to protect his privacy and his job.

When I went to college, my understanding of gay people was impacted again by my wife's best friend. One day, she told us she too had found the love of her life. We were eager to meet the boyfriend she was so madly in love with, but we soon learned her love was not a he, but a she.

Once we got over our surprise and our ways of thinking about relationships, we were able to sincerely rejoice in the joy they brought each other because we knew what a dear and good person our friend is.

My perception of gay people evolved further during my first campaign for Congress, when I worked with a magnificent young man named Carl Brown.

He became my friend and he gave me another gay face to know. Carl has since passed away, but I remember him as a person of exceptional dignity and grace.

My teacher, my wife's best friend and Carl helped me understand their lives and I think made me a better person in the process.

The Constitution of the United States—which established our government, grants us free speech and gives all citizens the right to vote—should not be dishonored by this effort to write indiscriminate.

I am sensitive to some of my colleague's concerns about potential biblical and social implications of legalizing same-size marriage, but I oppose this proposed amendment because I believe the Constitution is not the proper instrument to set—or reject—such policy. That debate should have happened in our state legislatures.

Mr. LEWIS of Georgia. Mr. Speaker, over the years, this Nation has worked hard to take discrimination out of the Constitution, and today, the House is voting to put it back in.

I can recall just a few short years ago that there were laws inscribed in some State constitutions saying that blacks and whites could not marry. We changed that.

Today, we look back on those days, and we laugh. There will come a time when generations yet unborn will look back on this Congress, look back on this debate, and laugh at us. This is not a good day in America. This is a sad day in the House of the people.

This is unbelievable. It is unreal. I thought as a Nation and as a people we had moved so far down the road toward one family, one House, one America. To pass this legislation would be a step backward.

The institution of marriage is not begging this Congress for protection. No one is running through the halls of Congress. No one is running around this building saying protect us.

Whose marriage is threatened? Whose marriage is in danger if two people, in the privacy of their own hearts, decide they want to be committed to each other? Whose marriage is threatened? Whose marriage is in danger if we decide to recognize the dignity, the worth and humanity of all human beings?

The Constitution is a sacred document. It defines who we are as a nation and as a people. Over the years, we have tried to make it more and more inclusive. We cannot turn back. We do not want to go back. We want to go forward. Today it is gay marriage; tomorrow it will be something else.

Forget about the politics; vote your conscience. Vote with your heart, vote with your soul, vote with your gut. Do what is right and defeat this amendment.

Mr. STARK. Mr. Speaker, I rise in strong opposition to House Joint Resolution 88, the so-called Marriage Protection Amendment, which proposes an amendment to the U.S. Constitution to ban same-sex couples from getting married or receiving any of the rights of marriage.

The right-wing political machine is churning out divisive legislation at a record pace as we get close to the election, but this is a particular low point. We can all have a good laugh at the pandering Republican majority when they claim that banning flag burning will make us more patriotic or that school prayer will prevent teenage pregnancy, but this proposal would, for the first time ever, target a specific group of Americans in our most sacred document, and permanently ban them from having equal rights under the law.

The proposed amendment not only bans marriage, but any of the "legal incidents thereof," meaning that the proponents think our founding document should keep gay and lesbian couples from filing a joint tax return, inheriting property, or visiting their partner in the