

Marriage amendment divorced from reality

The effort to amend the U.S. Constitution to define marriage as between one man and one woman is misguided on so many levels.

First, the Constitution exists to protect our rights and has been amended to broaden rights, not to restrict them. The only amendment to restrict rights, the 18th (prohibition of intoxicating liquor), was overturned by the 21st, 13 years later. The Constitution does not exist to serve as a tool for the right-wing to codify discrimination against a class of law-abiding citizens.

Second, marriage always has been the province of the states, not the federal government.

Third, President Bush said "the people have spoken" against the concept of same-sex marriage, and he thinks the amendment is needed to stop the courts from intervening to allow it.

What he neglected to acknowledge, however, is the reality that all social justice movements have required intervention by the courts and would not have occurred if left to the will of the majority.

Does anyone believe affirmative action for women and racial minorities would exist if decided by a popular vote? One of the purposes of the judicial system is to combat the tyranny of the majority, to ensure "liberty and justice for all" -- including unpopular minorities. Such decisions don't make the courts "activist"; they make them functional.

Some believe the proposed Federal Marriage Amendment is required to "protect the institution of marriage." But according to the U.S. Census Bureau, about half of all first marriages result in divorce. So it appears marriage is not an institution that's strong and healthy as currently defined (by legislation, if not by constitutional amendment) as between one man and one woman.

So here's a proposal: How about, for every divorce decree granted to a heterosexual couple, we grant one marriage license to a same-sex couple? That would at least maintain the quantity of married households.

Of course, that can only happen if gay and lesbian couples can line up to get married as fast as heterosexuals are lining up to get divorced.

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