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WASHINGTON (ABP)—The same day a gay-marriage ban failed to move forward in the Senate, a different approach to opposing same-sex nuptials passed a House committee.

The House Judiciary Committee voted July 14 to send the Marriage Protection Act of 2004 to the House floor. The act is a so-called “court-stripping” provision. If enacted and signed into law, it would prevent federal courts—including the Supreme Court—from deciding on the legality or constitutionality of cases involving the Defense of Marriage Act.

That 1996 law—passed by a wide margin in Congress and signed into law by then-President Bill Clinton—defines marriage in exclusively heterosexual terms for federal purposes. It also says that states cannot be forced, under the Constitution’s “full faith and credit” clause, to recognize same-sex marriages performed by other states.

The Marriage Protection Act, introduced by Rep. John Hostettler (R-Ind.), passed the committee on a party-line, 21-13 vote. Republican leaders said

they would bring the bill to the House floor the week of July 19.

The act would limit the courts' jurisdiction only over claims against the Defense of Marriage Act's full-faith-and-credit provisions. Hostettler's bill originally would have stripped courts of authority to decide cases regarding both aspects of the law. But the committee set that aside for the narrower substitute, offered by Chairman James Sensenbrenner (R-Wis.).

The recent legalization of same-sex marriage in Massachusetts, coupled with Supreme Court rulings on gay rights, has caused many lawmakers to seek ways to limit what they consider a runaway federal judiciary in the area of marriage law. The bill's proponents feared a federal court could strike down the Defense of Marriage Act unless prevented by law.

"The threat posed to traditional marriage by a handful of federal judges whose decisions can have an impact across state boundaries has renewed concern over the abuse of power by federal judges," Sensenbrenner told his colleagues in committee debate on the bill.

"No branch of the federal government can be entrusted with absolute power—and certainly not a handful of tenured federal judges who are appointed for life," he added.

But Democrats on the committee said enacting such a court-limiting provision regarding basic civil rights would set a dangerous precedent and that the bill would almost certainly prove to be unconstitutional anyway.

Rep. Jerrold Nadler (D-N.Y.), the committee's ranking Democratic member, compared previous court-stripping bills threatened by members of Congress in reaction to unpopular court decisions.

"No less a liberal icon than Barry Goldwater battled court-stripping bills on school prayer, busing and abortion, which were the big issues in those days," Nadler said. "I trust that, decades from now, these debates will find

their way into the textbooks next to the segregationist backlash of the 1950s, the court-packing plan of the 1930s and other attacks on our system of government.”

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