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Opinion Editorial on Marriage

The Challenge to Marriage Equality

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State legislators in New Hampshire, who are on the verge of writing government-sanctioned discrimination back into state law, might want to take a look at a powerful ruling on marriage equality by the federal appeals court in San Francisco.

A three-judge panel on the court ruled 2 to 1 that the California ban on same-sex marriage, known as Proposition 8, was unconstitutional because it singled out a minority group and took away a right — the right to marry — that had been granted to them by the State Legislature “without a legitimate reason for doing so.”

The judges said the United States Constitution “simply does not allow for” laws that are intended only to “lessen the status and human dignity of gays and lesbians in California, and to officially reclassify their relationships and families as inferior to those of opposite-sex couples.”

This is just what the New Hampshire Legislature seems poised to do. The state extended the right to marry to all its citizens in 2009, but right-wingers vowed to overturn the law and now stand a good chance of doing so.

Gov. John Lynch, a Democrat, has said he would veto such a bill, but the Republicans in both houses of the Legislature have veto-proof majorities. Partisan lines on this issue are a bit fuzzy, so it's still not clear whether enough Republicans would balk at so blatantly setting back the cause of equal rights.

It is especially distressing to see this slide in New Hampshire when other states are moving forward. Gov. Martin O'Malley of Maryland is on the verge of signing a marriage-equality bill.

New Hampshire's bill would not affect the 1,900 same-sex couples who have married since 2009, but it would replace marriage with the separate-and-unequal system of "civil unions." There is no "legitimate reason" for this. The argument that same-sex marriages somehow harm marriages between men and women does not hold water. The marriage rate in New Hampshire has not suffered at all since 2009. If anything, it's gone up a tick because of new families formed by same-sex couples.

That leaves intolerance, fear and an attempt to impose religious beliefs through the law as motivations, and they have been evident in abundance. Representative David Bates, the Republican who filed the repeal bill, argues that homosexuality is a lifestyle choice, and he even included a sentence that says: "Children can only be conceived naturally through copulation by heterosexual couples." This is breathtakingly dangerous foolishness.

A recent poll by the University of New Hampshire showed that 59 percent of the state's residents oppose repeal of marriage equality. If Republican lawmakers don't want to pay attention to the federal court, they should pay attention to their own constituents. The ninth state to ratify the Constitution in 1788 should not be demonstrating such contempt for the nation's founding principles.

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