

Marriage amendment serves the greater good

Re: "Justice for all: Marriage amendment discriminates" (Our Opinion, Sept. 30).

The Tallahassee Democrat published an editorial against the Florida Marriage Protection Amendment, which would define marriage as the union of one man and one woman on the ballot in 2008. The reasons for the Democrat's opposition were varied but included arguments that the amendment was "discriminatory" and the especially wild claim that "it could have particularly adverse effects

on seniors." Let me set the record straight.

Current marriage laws do not arbitrarily discriminate against homosexuals. Thirteen years ago, I applied for a marriage license in Leon County. They did not ask me if I had a same-sex attraction, if I ever had a homosexual experience, or whether I identified myself as "gay." They did ask me if I was over the age of 18, marrying someone over 18, marrying my sister or my cousin, or already married. They also wanted to know if I was marrying someone of the opposite sex. If I failed to meet any one of these legal requirements, then I could not have obtained the license. The reality is that all of us have limitations on whom we can marry.

Most of us react negatively to any claim of dis-

crimination. But every law discriminates in the sense that it sets forth distinctions for human behavior. The real question is whether those limitations are arbitrary and capricious — or whether they serve a greater purpose to benefit the common good.

Consider how differently government treats homeowners versus home renters. Owners get tax breaks, incentives, protections and other goodies that renters do not. Is it because we think homeowners are greater in value, worth or dignity under the Constitution? No. It is because homeowners benefit society in unique and important ways that renters may not. Homeowners typically stimulate the economy; they take care of properties, and they create greater stability

for communities. It's the same with natural marriage.

If the only two criteria for marriage are love and commitment, then where do we draw the line? Should society allow every person — or groups of persons — to marry irrespective of age, current marital status, closeness of familial relations, or what expression of sexuality they prefer? Of course not. The institution of natural marriage is not like a buffet where you can pick and choose whatever you like best.

Without explanation or analysis, the *Democrat* argues that the marriage amendment could prohibit people from getting benefits and will adversely affect senior citizens.

The language of the Florida Marriage Protection Amendment closely follows

the existing state marriage law and will have the same legal effect. The amendment defines marriage as the union of a man and a woman — and then bans polygamy, group marriages and same-sex marriages. The language does not prohibit any of the existing domestic partnerships in Florida. These partnerships grant only a small bundle of rights such as hospital visitation and burial rights — all of which incidentally can be obtained through private contract and simple estate-planning documents.

Florida domestic partnerships are clearly not "treated as marriage or the substantial equivalent" and they are therefore permitted under both the current law and the proposed amendment. In fact, Florida courts have already made this clear. The

amendment does not interfere with same-sex benefits granted by private or public entities for the same reasons.

Gay men and women are citizens of the United States of America. They pay taxes, serve in the military and contribute to our society. They should be afforded the full dignity, respect and protection given to all other citizens. However, they should not be granted special rights to fundamentally redefine this basic human institution and then force that definition upon the rest of society through unelected, activist judges.

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MY VIEW