

# Ethics & Religion

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## **Why Supreme Court Should Not Legalize Same-Sex Marriage**

By Mike McManus

As the nation awaits a decision by the Supreme Court on whether to legalize same-sex marriage, or to leave it as an option to each state - there are some arguments against it which have not been given adequate attention.

For example, despite their clamor for same-sex marriage, most gays and lesbians are not interested getting married.

Consider California, one of the most liberal states. The California Supreme Court legalized same-sex marriage in May 2008. That prompted conservatives to mobilize, propose and pass Proposition 8 that added this sentence to the State's Constitution in November: "Only marriage between a man and a woman is valid or recognized in California." (This vote was on the same day that Obama beat McCain by more than 20 points.)

During the six months of legal same-sex marriage in California, there were 18,000 gay weddings. However, if the state's gays and lesbians are 1.7% of the population, that's 651,000 who could have married, but only 5.5% chose to do so.

In New York State after two years of legal same-sex marriage, 333,000 same-sex people could have married, but there were only 12,200 gay weddings.

There is a remarkable irony and injustice here. Gays and lesbians are only 1.7% of the population, and only 7% of them want to marry. Why should such a tiny percentage of America's population be allowed to force a radical redefinition of marriage upon America?

The argument that gays deserve the same freedom to marry as heterosexuals sounds reasonable to many. However, why not leave the decision to each state? Only three of 37 states voted for same sex marriage in a referendum. Ten times as many states voted against it by upholding traditional marriage in referenda! Why shouldn't their voices count?

In eight states, Legislatures passed laws allowing same-sex marriage. However, in 26 states, a judge forced states with constitutional bans to marry gay people.

Where is the sovereignty of the people in those decisions? The Supreme Court could recognize it, and I predicted it would do so after hearing how the Justices considered the case in April.

I was encouraged by the fact that Justice Anthony Kennedy, considered the swing vote on the issue, said, “This definition of marriage was been with us for millennia. And it is very difficult for the Court to say, “Oh well, we – we know better.”

Another fundamental reason to oppose same-sex marriage which has not been given adequate attention is that it will deprive children of either their mother or father. In an earlier column I quoted Grace Evans, 11, who testified to a committee of Minnesota legislators, “Which parent do I not need – my mom or my dad?”

It is a profound question that Minnesota ignored, as it enacted same-sex marriage. Peter Sprigg, a scholar at the Family Research Council, argues that if the Court legalized same-sex marriage, “Society would be placing its highest stamp of official government approval on the *deliberate* creation of *permanently* motherless or fatherless households for children.”

Scholars are unanimous that children are most happy and successful when they are raised by the own married mother and father.

A related unconsidered issue is the fact children would be raised in homes where sex with multiple partners is tolerated and often expected. A study in the journal *AIDS* reported that in the Netherlands, the first country to legalize same-sex marriage, that homosexual men *in partnered relationships* had an *average* of eight sexual partners *per year* outside the relationship.

Does America want to force kids to live in that kind of home?

There is also a growing consensus that Supreme Court Justices Elena Kagan and Ruth Bader Ginsburg should recuse themselves from making a decision on this case. Both have presided over same-sex weddings in recent months. That clearly puts them on one side of this contentious issue.

Ginsburg has even said that Americans won’t need “a large adjustment if the high court rules that gay marriage is a constitutional right.” She has asserted “I welcome Legal Gay Marriage.” Louisiana’s House even passed a resolution asking Kagan and Ginsburg to withdraw from the case. In fact, Alabama Supreme Court Chief Justice Roy Moore has said they should be impeached.

They should simply withdraw from the case.

Finally, what’s needed is for the Court to live up to its motto engraved on the building: “Equal justice under the law.”

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