

the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4231, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 1, not voting 20, as follows:

[Roll No. 483]

YEAS—411

Abercrombie	Davis (AL)	Hostettler
Ackerman	Davis (CA)	Houghton
Aderholt	Davis (FL)	Hoyer
Akin	Davis (TN)	Hulshof
Alexander	Davis, Jo Ann	Hunter
Andrews	Davis, Tom	Hyde
Baca	Deal (GA)	Insole
Bachus	DeFazio	Isakson
Baird	DeGette	Israel
Baker	DeLahunt	Issa
Baldwin	DeLauro	Istook
Ballenger	DeLay	Jackson (IL)
Barrett (SC)	DeMint	Jackson-Lee
Bartlett (MD)	Deutsch	(TX)
Barton (TX)	Dicks	Jefferson
Bass	Dingell	Jenkins
Beauprez	Doggett	John
Becerra	Dooley (CA)	Johnson (CT)
Bell	Doolittle	Johnson (IL)
Berkley	Doyle	Johnson, E. B.
Berman	Dreier	Johnson, Sam
Berry	Duncan	Jones (NC)
Biggert	Dunn	Jones (OH)
Bilirakis	Edwards	Kanjorski
Bishop (GA)	Ehlers	Kaptur
Bishop (NY)	Emanuel	Keller
Bishop (UT)	Emerson	Kelly
Blackburn	Engel	Kennedy (MN)
Blumenauer	English	Kennedy (RI)
Blunt	Etheridge	Kildee
Boehner	Evans	Kilpatrick
Bonilla	Everett	Kind
Bonner	Farr	King (IA)
Bono	Fattah	King (NY)
Boozman	Feeney	Kingston
Boswell	Ferguson	Kirk
Boucher	Filner	Kleczka
Boyd	Flake	Kline
Bradley (NH)	Foley	Knollenberg
Brady (PA)	Forbes	Kolbe
Brady (TX)	Ford	Kucinich
Brown (OH)	Fossella	LaHood
Brown (SC)	Frank (MA)	Lampson
Brown-Waite,	Franks (AZ)	Langevin
Ginny	Frelinghuysen	Lantos
Burgess	Frost	Larsen (WA)
Burns	Galleghy	Larson (CT)
Burr	Garrett (NJ)	Latham
Burton (IN)	Gerlach	LaTourrette
Butterfield	Gibbons	Leach
Buyer	Gilchrest	Lee
Calvert	Gillmor	Levin
Camp	Gingrey	Lewis (CA)
Cantor	Gonzalez	Lewis (GA)
Capito	Goode	Lewis (KY)
Capps	Goodlatte	Linder
Capuano	Gordon	Lipinski
Cardin	Granger	LoBiondo
Cardoza	Graves	Lofgren
Carson (IN)	Green (TX)	Lowey
Carson (OK)	Green (WI)	Lucas (KY)
Carter	Greenwood	Lucas (OK)
Case	Grijalva	Lynch
Castle	Gutierrez	Majette
Chabot	Gutknecht	Maloney
Chandler	Hall	Manzullo
Chocoma	Hart	Markey
Clay	Hastings (WA)	Marshall
Clyburn	Hayes	Matheson
Coble	Hayworth	Matsui
Cole	Hefley	McCarthy (MO)
Collins	Hensarling	McCarthy (NY)
Conyers	Hesler	McCollum
Cooper	Herseth	McCotter
Costello	Hill	McCrery
Cox	Hinchey	McDermott
Cramer	Hinojosa	McGovern
Crane	Hobson	McHugh
Crenshaw	Hoeffel	McInnis
Crowley	Hoekstra	McIntyre
Cubin	Holden	McKeon
Culberson	Holt	McNulty
Cummings	Honda	Meehan
Cunningham	Hooley (OR)	Menendez

Mica	Radanovich	Spratt
Michaud	Rahall	Stark
Millender-	Ramstad	Stearns
McDonald	Rangel	Stenholm
Miller (FL)	Regula	Strickland
Miller (MI)	Rehberg	Stupak
Miller (NC)	Renzi	Sullivan
Miller, Gary	Reyes	Sweeney
Miller, George	Reynolds	Tancredo
Mollohan	Rodriguez	Tanner
Moran (KS)	Rogers (AL)	Tauscher
Moran (VA)	Rogers (KY)	Taylor (MS)
Murphy	Rogers (MI)	Taylor (NC)
Murtha	Rohrabacher	Terry
Musgrave	Ross	Thomas
Myrick	Rothman	Thompson (CA)
Nadler	Roybal-Allard	Thompson (MS)
Napolitano	Royce	Thornberry
Neal (MA)	Ruppersberger	Tiahrt
Neugebauer	Rush	Tiberi
Ney	Ryan (OH)	Tierney
Northup	Ryan (WI)	Toomey
Norwood	Ryun (KS)	Towns
Nunes	Sabo	Turner (OH)
Nussle	Sánchez, Linda	Udall (CO)
Oberstar	T.	Udall (NM)
Obey	Sanchez, Loretta	Upton
Oliver	Sanders	Van Hollen
Ortiz	Sandlin	Velázquez
Osborne	Saxton	Visclosky
Ose	Schakowsky	Vitter
Otter	Schiff	Walden (OR)
Owens	Schrock	Walsh
Oxley	Scott (GA)	Wamp
Pallone	Scott (VA)	Waters
Pascarell	Sensenbrenner	Watson
Pastor	Serrano	Watt
Paul	Sessions	Waxman
Payne	Shadegg	Weiner
Pearce	Shaw	Weldon (FL)
Pelosi	Shays	Weldon (PA)
Peterson (MN)	Sherman	Weller
Peterson (PA)	Sherwood	Wexler
Petri	Shimkus	Whitfield
Pickering	Shuster	Wicker
Pitts	Simmons	Wilson (NM)
Platts	Simpson	Wilson (SC)
Pombo	Skelton	Wolf
Pomeroy	Slaughter	Woolsey
Porter	Smith (NJ)	Wu
Portman	Smith (TX)	Wynn
Price (NC)	Smith (WA)	Young (AK)
Pryce (OH)	Snyder	Young (FL)
Putnam	Solis	
Quinn	Souder	

NAYS—1

Smith (MI)  
NOT VOTING—20

Allen	Eshoo	Moore
Boehlert	Gephardt	Nethercutt
Brown, Corrine	Harman	Pence
Cannon	Harris	Ros-Lehtinen
Davis (IL)	Hastings (FL)	Tauzin
Diaz-Balart, L.	Meek (FL)	Turner (TX)
Diaz-Balart, M.	Meeks (NY)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1247

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Ms. HARRIS. Mr. Speaker, due to unavoidable circumstances this morning, I was unable to participate in the first series of votes in the House of Representatives. Had I been present, the following affirms my voting intent: On rollcall vote No. 480: "No." On rollcall vote No. 481: "Aye." On rollcall vote No. 482: "Aye." On rollcall vote No. 483: "Aye."

□ 1245

#### PROVIDING FOR CONSIDERATION OF H.J. Res. 106, MARRIAGE PROTECTION AMENDMENT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 801 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 801

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 106) proposing an amendment to the Constitution of the United States relating to marriage. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) two hours and 30 minutes of debate on the joint resolution equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

SEC. 2. During consideration of H.J. Res. 106 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Tuesday, the Committee on Rules met and granted a closed rule for H.R. 106, the marriage protection amendment. The rule provides 2 hours and 30 minutes of debate, equally divided and controlled by the majority leader and the minority leader or their designees.

H.J. Res. 106 proposes an amendment to the Constitution of the United States relating to marriage. The amendment states that "Marriage in the United States shall consist solely of the union of a man and a woman. Neither this constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than a man and a woman."

The constitutional amendment process is the most democratic process in our Federal system, and it requires approval from two-thirds of each House of Congress and three-quarters of the States by votes of their State legislators.

This bill has come up because same-sex marriage advocates have been using the courts and even local officials who have intentionally violated the law to circumvent the democratic process. Passing a constitutional amendment will place the debate where it belongs, with the American people.

Forty-four States have already enacted laws that provide that marriage

shall consist only of the union of a man and a woman. Those forty-four States represent 88 percent of all the States and 86 percent of the population.

As President Bush said in his State of the Union address, if judges insist on forcing their arbitrary will upon the people, the only alternative left to the people would be the constitutional process. To that end, I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this is another sad day for the House of Representatives and for the people that we serve. Once again, some in the leadership of this House, including and especially the majority leader, have brought a divisive, unnecessary, and just plain mean-spirited bill to the floor in order to advance their own partisan political interests.

Once again, they have decided to ignore unemployment, ignore the health care crisis, ignore record deficits, ignore national security, in short to ignore the real concerns of the American people. Why?

You can find the answer just by looking at the calendar. We are 5 weeks from an election and there are some, not all, but some Members on the other side of the aisle who have chosen to put aside the important work we need to do.

By today, the 13 appropriation bills should have been signed into law. So far, only one has the President's signature. Where is the Homeland Security appropriation bill? Can anyone really say with a straight face that a constitutional amendment beating up on gay people is more important than funding our Homeland Security needs? How about the recommendations of the bipartisan 9/11 Commission, or the transportation bill? How about funding for schools and hospitals and veterans? They are nowhere to be found. Instead, we get legislative gay bashing. Another sad day.

Today, we are being asked to consider H.J. Res. 106, which would amend the United States Constitution to ban gay marriage, to ban civil unions, and to abolish the ability of States to interpret their own State constitutions. So this is no small matter.

It is important to note at the outset that the Constitution clearly prohibits the government from interfering with the marriages performed by religious institutions. Our Founding Fathers were very clear about this. The government cannot force any church or synagogue or mosque to perform a religious marriage. That will not change, no matter what happens today.

Now, there are several fundamental problems with this amendment. First, it has long been the tradition in this

country that States, not the Federal Government, have the right to regulate marriage and other issues of family law. And States are already addressing same-sex marriage. When the Hawaii Supreme Court held that denying same-sex couples the right to marriage violated the Hawaii constitution, the voters of Hawaii passed a constitutional amendment allowing the State legislature to limit marriage to different-sex couples.

The people of Alaska amended their constitution to define marriage as a union between one man and one woman after an Alaskan trial court held denying the right of marriage to same-sex couples violated the Alaskan constitution.

States all across the country are moving in similar directions, but that is not good enough for the supporters of this amendment. They believe that the only way to address this issue is to add discrimination to the United States Constitution.

Of course, the irony in all of this is that the Defense of Marriage Act, or DOMA, was signed by President Clinton and is already the law of the land. Under DOMA, States can already refuse to recognize marriages from States with different policies.

I guess that fact does not make for very good press releases or 30-second political attack ads.

Second, if this amendment becomes the law of the land, civil union and domestic partnership laws all across the country will be thrown out the window. Things like hospital visitation rights, family medical leave, and inheritance rights can be taken away.

According to the Coalition Against Discrimination in the Constitution, an organization of civil-rights groups, labor unions, and religious organizations, this constitutional amendment would likely prevent the civil unions enacted by the States of Vermont and California.

Now, we will hear a lot of talk from people on the other side of the debate today about Massachusetts, so let me talk about my home State. Our State Supreme Court decided in favor of same-sex marriage last year. And right now there is a legislative process underway in which the people of Massachusetts will have the opportunity to change our own State constitution to prohibit same-sex marriage, if they so choose.

The interesting thing is that I doubt that it will succeed in Massachusetts. Starting on May 17, 2004, gay men and women in Massachusetts got married, and guess what? The world kept spinning on its axis, the sun came up the next day, people went to work, sent their kids to school and cheered for the Red Sox. So we are doing just fine in Massachusetts, thank you very much. And we certainly do not need anyone from Colorado or Georgia or Texas telling us how to handle the marriage issue in our own State.

The impeccably conservative Vice President of the United States, DICK

CHENEY, said it well in 2000, and I have his words right here, and I quote, "The fact of the matter is that we live in a free society, and freedom means freedom for everybody. And I think that means that people should be free to enter into any kind of relationship they want to enter into. It's really no one else's business in terms of trying to regulate or prohibit behaviors in that regard. I think different States are likely to come to different conclusions, and that's appropriate. I don't think there should necessarily be a Federal policy in that area."

And those are the words of the Vice President of the United States, DICK CHENEY. The Vice President speaks from very personal experience. He loves someone who is gay, not because she chose to be gay but because that is just who she is.

Mr. Speaker, if this amendment passes, discrimination against a group of people will be written into the Constitution of the United States. If this amendment passes, we will be taking a step backward in our march toward equal protection under the law. All of us take an oath to uphold and defend the Constitution not to use it as a political weapon.

There are some who say that this is about protecting future generations, our kids. Well, let me tell you in this chamber today, I have two beautiful children, a 6-year-old son and a 3-year-old daughter, who I love more than anything, and I do not want them to grow up in a country where an entire group of people is treated as second class citizens.

To those, like the gentlewoman from Colorado (Ms. MUSGRAVE), who say this is about protecting marriage, let me ask, just whose marriage are you trying to protect? I am happily married, and I do not need Members of Congress to protect my marriage. Please do not use my marriage to promote homophobia and discrimination.

Mr. Speaker, this amendment is wrong. And to those of my colleagues who support this amendment today, let me state clearly that you are on the wrong side of history. It is wrong to tarnish our most sacred document, our Constitution, with discrimination. It is wrong to take a beautiful institution like marriage and use it as an instrument of division and hostility.

Mr. Speaker, I urge my colleagues to do the right thing. Help secure the blessings of liberty for all Americans. Vote "no" on this amendment.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume to say that the gentleman from Massachusetts is aware that the Homeland Security bill, a very complicated bill, is going through, I believe, five committees, and it is in that committee process this week and we are going to have it on the floor next week. So it is not that the Homeland Security bill is not going to be dealt with.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of the rule before us and in support of the marriage protection amendment itself.

I am well aware that this is not a day many of us in this House relish. Many of us who support the marriage protection amendment are saddened that the need for this amendment exists at all. The definition of marriage seems to us, and the vast majority of the American people, as a matter of common sense and social reality. And many who oppose the amendment, most I would say, see the movement to protect marriage as mean spirited and unnecessary. In either case, most of us in this House would prefer not to have this debate. We would prefer to live in a society in which such debates were unnecessary, but, unfortunately, we do not.

The question of the future of marriage in America has been forced upon us by activist judges trying to legislate from the bench and forced upon us in such a way that the only remaining answer is to amend the Constitution of the United States. These are the facts, Mr. Speaker. The majority of the American people want to protect traditional marriage for reasons ranging from the political to the religious to the practical. But a minority of our citizens, a vocal and sincere minority, wish to alter the definition of marriage to include relationships outside the union of one man and one woman.

In response to this minority opinion, the American people asserted their consensus in 1996 when a Republican Congress and a Democrat President worked together to enact the Defense of Marriage Act. Its support was and remains bipartisan and overwhelming across the country.

DOMA says two things: First, that for the purposes of Federal law, the term marriage describes a union between one man and one woman. And, second, it says that no State, including Massachusetts, can force their will on the rest of us. And no State under its own laws can be required to recognize homosexual unions licensed in other States.

□ 1300

That is the law as it currently stands: fair, straightforward, and representative of an overwhelming consensus among the American people.

One would think this would be the end of the story, but it is not. DOMA is under an incessant and coordinated constitutional attack in the Federal courts. Despite DOMA's obvious constitutionality, those activist judges, who feel a greater responsibility to their own political ideology than the Constitution, seem not to care. Indeed, inventing rights out of whole cloth, in direct violation of the will of the people, too often seems to be the coin of the realm on the Federal bench these days.

In such an environment, it is no surprise to me that legal scholars on both sides of this issue, from Lawrence Tribe to Robert Bork, all but concede DOMA will eventually be struck down because it contradicts the tortured jurisprudence of activist judges.

Mr. Speaker, in other words, the definition of marriage will be a matter of constitutional law one day very soon. The question before us is whether that definition will be radical and arbitrary, or based on the experience of human civilization dating back to the origin of our species; whether that definition will be written by individual judges imposing their political biases on the Nation or written by the people of the United States through their elected Representatives in Congress and State legislatures.

DOMA passed with broad bipartisan support. To date, 44 States have defined marriage as the union between a man and a woman. Consensus exists today. And yet the runaway courts keep coming, bent on replacing Congress as the legislative authority of the United States. Let me be plain: The status quo is not an option. Avoiding this issue is not an option, not anymore, not since the Supreme Judicial Court of Massachusetts invented a right to homosexual marriage out of thin air, and not since a State court judge invented a similar right in Washington State, not since 11 States face court challenges to their marriage laws. This issue is not going away.

Those who know me know I am not a fan of constitutional amendments in general. And at first I resisted this amendment in particular. But the fact can no longer be denied. If marriage is to be protected in this country, it can only be protected by a constitutional amendment. The timing, substance and necessity of the marriage protection amendment have been forced by the courts and their refusal to be bound by the clear and absolute limits of their constitutional authority to interpret the law. This amendment is the only way marriage will be protected.

Now I know it is a difficult issue, and I know it is an emotional issue for people across the political spectrum and across this country, but it is an issue that has been forced. The people must be heard. Congress must assume its responsibility and must respond. This debate today will begin with that response, and, I hope, do so as it should, with civility, respect and sensitivity to all points of view.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, to begin as the majority leader leaves, I must say when he says that the timing of this, 1 month before an election when the issue has been pending all year, when he says the timing was forced upon him and is not effected by political considerations, he violates what I would recommend to the gentleman is an important rule of political

debate: No matter how advantageous one thinks it is, try hard to believe something no one believes; it does not really help your cause.

Beyond that, we have the most seriously misdescribed constitutional amendment I have ever seen. Actually if the Republicans go forward with their proposal, having created the largest deficits in our history, to require a balanced budget some time in the far distant future, that may be an even greater one at variance with reality. But here is the problem: They describe an amendment very different than the one they bring forward.

We have heard the gentlewoman from North Carolina and the gentleman from Texas say this is aimed at preventing judges from forcing one State to do what another State does. It does far more than that. At its core what it does is say that no State, by whatever process it chooses, may find that two women being willing to commit themselves to each other legally as well as emotionally is a good thing and not a bad thing, because that is the core of the issue.

In the State of Massachusetts, it is true we began with a court decision. Since then, it has been debated in our legislature. The legislature of Massachusetts very narrowly approved an amendment that would have said no to same-sex marriages but would have mandated full civil unions, which may also be thrown out by this amendment. That amendment will now be debated next year.

An election is going on in Massachusetts today in which how people voted on this is a major issue. We just had a change in the leadership of the Massachusetts House. A speaker who opposed same-sex marriage has been replaced by a speaker elected by the House of Representatives of Massachusetts, in turn elected by the people, who support same-sex marriage.

I think the question is very much in doubt, but the point is undeniable; the political process in Massachusetts, the democratic process in Massachusetts, is now deciding whether or not to allow same-sex marriage.

Mr. Speaker, the other side comes with an amendment that would cancel any decision made on this that they do not like by the people of Massachusetts. This is not an amendment that says one State cannot do something to another State. There would be an amendment possible. I would not be for it, but if that is really what is meant, then we would have an amendment that took DOMA and made it a constitutional principle. Such an amendment would be possible. I think it would be a mistake. I do not think it would be a good idea to freeze that, because then we would have some real difficulties, but it would be at least in accordance with what the other side is saying because this amendment does far more than has been described.

It has been a rule that I have found when people in political debate will not

be completely open about what they are trying to do, it is because they really know it is not defensible. Why do you not acknowledge that this amendment would cancel a democratic decision by the people of Massachusetts? Indeed, if the legislature decides to get rid of this, there will be a referendum. If the legislature does not decide to get rid of it, then a fairly small number of people can force a referendum and we will have a referendum, very likely, in 2008.

We will have had by that time the benefit of 4 years in which same-sex marriages happened. I understand why the opponents of same-sex marriage are so upset. They have made a number of predictions about what will come after same-sex marriage, none of which will be proven true, so they are desperately trying to cut this off before it happens. We have already had nearly 5 months of same-sex marriage. None of their predictions were proven true, as none of their predictions were proven true when they talked about the chaos in Vermont.

But let us understand what the House is being asked to do. If the concern was to say judges could not decide this, if the concern was to say full faith and credit does not apply, there would be amendments that could be narrowly drafted to deal with that, although I would not support them. But that is not what is here. This amendment says no State, Vermont, Massachusetts, by whatever process, by referendum, by vote of the legislature, by whatever process, can decide that it would like to have same-sex marriage for its own citizens.

I will say that on behalf of the citizens of Massachusetts, who do not share the distaste for love that is expressed in a way in which you do not disapprove that Members of the majority have, please do not impose your views on the people of Massachusetts. If your concern is genuinely to prevent one State from forcing another, deal with that. But this is an undemocratic effort to say no State may differ in this intimate matter of public policy with your views.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise in strong support of the rule and of the underlying Marriage Protection Act, and consider this to be an extremely important day in the life of this institution and the life of this Nation.

Let me say to the gentleman from Massachusetts (Mr. FRANK) who just spoke, who I respect greatly as the national leader that he is, although I am a conservative and although I support a constitutional amendment to define marriage in the terms which the overwhelming majority of the American people wish to continue to define it, I have no distaste for love; and neither is

it my desire to impose views or attack any individual or anyone in a relationship in America.

I am from south of Highway 40 in Indiana, but I do know the difference between defending and attacking. And the truth is, as legal scholars and millions of Americans know, the institution of marriage is under attack by activist judges; and it brings us, as the majority leader said so eloquently, to this place, by necessity, where a constitutional amendment is the only way we can express the will of 3 out of 4 or more Americans who desire to continue to have this fundamental institution of marriage defined as it has been throughout the millennia.

Activist judges have had successes since 1999 when they convinced the Vermont Supreme Court that they should order the State legislature to legalize same-sex marriage. A second major victory came when they convinced the Massachusetts Supreme Judicial Court to force that State to give full marriage licenses.

The activists have literally plotted a State-by-State strategy to increase the number of judicial decisions mandating same-sex marriage, and the U.S. Supreme Court provided potent ammunition to activists when they decided the *Lawrence v. Texas* case in June of last year. In that case dealing with same-sex sodomy, the court strongly signaled that a right to same-sex marriage could be found in the Constitution. Scholars ranging from Supreme Court Justice Scalia all the way to Harvard liberal scholar and author *Lawrence Tribe* agree that the *Lawrence v. Texas* case paves the way for this Supreme Court in this Nation's Capital to recognize same-sex marriage. Same-sex couples are now challenging marriage laws in States across the Union, including my own little State of Indiana.

So we come here not to attack but, rather, in a spirit of civility to defend an institution that is cherished and is so essential to the American people in the life of our Nation.

In closing, we are here today because marriage matters; because, like millions of Americans, I believe it was ordained by God, instituted in the law, it is the glue of the American people, and the safest harbor to raise children. Let us adopt the rule, defend the institution of marriage, and ensure that our society's most cherished social institution is defined by we the people and not unelected judges.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the next speaker, I would like to point out one thing which I find particularly interesting, and that is at the recent Republican National Convention in New York City, all of the featured prime-time speakers that the party decided to put on display for us, Rudy Giuliani and George Pataki and Arnold Schwarzenegger, all oppose what is trying to be done today. They all oppose this constitutional amendment.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, today we stand on the floor of the people's body, the United States House of Representatives, with the intention of writing discrimination into the U.S. Constitution for the first time in our Nation's history.

It is not so troubling that this is politically driven, what is so troubling is the mean-spirited nature of this legislation. The marriage protection amendment; what a cruel joke. It does not do anything to protect marriage in this country. It does not suggest to individuals the importance of communication in a successful relationship. It does not reduce promiscuity or stop unwanted pregnancies. It does not strengthen people's resolve to work through the difficulties that always come within a marriage. It does not do any of that.

□ 1315

What it does do is to single out one group of people for discrimination, declaring them forever unworthy of the same legal protection that all other Americans enjoy. Further, this amendment would usurp the will of the people in States that have used their traditional States rights authority to define civil marriage and civil union laws. State laws passed by elected representatives in places like Vermont will be wiped clean off the books. In situations where a loved one is sick in the hospital, same-sex couples will once again lose the right to sit bedside and help nurse their partner back to health. These couples' ability to plan their financial future together and to share health care benefits will also be forever taken away.

Mr. Speaker, we already have sufficient legislation to allow individual States the ability to retain and structure marriage laws the way they see fit. I opposed and continue to oppose the Defense of Marriage Act which passed the House back in 1996, but this law is still fully functional and in effect. No State in the Union has to accept any other State's laws with respect to same-sex marriage. Since the bill's enactment 8 years ago, it has not been successfully challenged in any court anywhere in the country.

Why, then, do we need to preemptively amend our Constitution? Our Constitution was meant to be a sacred document by which we protect and expand individual rights, not to take them away, not to restrict them. That is not what our country is about, and thus that is not what the Constitution is about. That is why we ought to stand in opposition to this crass attempt to politically divide the American public in an election year. We ought to vote against this. We ought to vote for the Constitution. We ought to uphold the vision of our forefathers and expand the Constitution, use it as a document to protect individual rights, not to restrict and destroy them.

Mrs. MYRICK. Mr. Speaker, I yield 3½ minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I am pleased to rise today in support of the Marriage Protection Amendment rule. We did not ask for this debate. It was brought on us by activist judges who have chosen to impose on the will of the people this redefinition of marriage.

Sociologists, psychologists, and other experts can give us all sorts of technical explanations, but we all know from experience that kids are best off when they have a mom and a dad. And kids are what this debate is all about. It is not about civil rights or the rights of same-sex couples. Same-sex couples are free to live as they choose. This amendment does not change that. Instead, this amendment simply defines what marriage is, the union of one man and one woman.

There are some here that would claim that traditional marriage is discriminating. But my question is this: Did 342 Members of this House and former President Clinton in their support of the Defense of Marriage Act discriminate when they voted that marriage is between one man and one woman? Are we saying that 70 percent of the voters of my State that just said that marriage is between one man and one woman, are they discriminating? How about 80 percent of the voters of Louisiana, are they discriminating? I do not think so.

Activist judges are trying to institutionalize a lie, that marriage is just about big people's relationships. But they forget the little people, about the children, the whole generation of kids who will struggle because of the terrible precedent set by changing the institution of marriage.

We do not have to look very far to see the results of family deterioration. Whole cities have suffered terrible poverty and crime because the model of traditional families has been weakened. Should we now stand idly by while a mere handful of activist judges seek to institutionalize the lie that marriage is disconnected from child rearing? Certainly the experience in the Netherlands would tell us that we should not. When they changed the definition of marriage, they had many more children born out of wedlock.

The other night I went to dinner, and there was a beautiful little 16-year-old girl there. She had never had a family. She said that there was one thing that she had wanted all of her life and there was only one thing she had ever wanted and that was she wanted a family. Her heart was telling her the truth. Think about what she had lost. Have you ever been completely lonely? No mom? No dad? Nobody to turn to? Think about what a family provides: the love, the affection, the security when you have a bad dream at night, self-discipline and obedience and the grace of forgiveness and sharing as opposed to selfishness.

I remember as a kid riding a bicycle. I was trying to learn. My dad ran along

beside. He was so big and strong. I got it to go a ways and crashed into a bush. I came up all crying and scratched. He put me back on the bike and taught me something about persevering.

That is what this whole story is about. It is about little people and whether they are going to have a mother and a father. The real discrimination here is the activist judges who would deny children the rich advantages of a mom and a dad. If this Congress does not act to protect families, it is a gross dereliction of our duty.

Vote to protect our children and vote to protect marriage.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let me first say to the gentleman who just spoke, I guess I must obviously have more confidence in our State legislatures across this country than he does because State legislatures all across this country are acting on this issue. I think they are closer to the people of the States than in many respects we are. It seems to me that this process is working. When he says that we are forced to be here, that we cannot talk about getting a real highway bill, that we cannot talk about health care, that we cannot talk about national security issues or veterans benefits or education, but we have to be here and debate this right now, the fact of the matter is this debate is going on all across this country, and we should let that process make its way through.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I rise in strong opposition to this rule and to the underlying amendment.

Mr. Speaker, soldiers and innocent civilians are dying every single day in Iraq, 45 million Americans are without health insurance, over 35 million Americans are living in poverty, and 8 million are unemployed and looking for work. Yet with only 10 days until recess, the leadership of this House wastes time on a constitutional amendment that does nothing to stop the deaths of our courageous young people in Iraq, nothing to implement the recommendations of the 9/11 Commission, nothing to address the health care crisis in this country, and nothing to create jobs for unemployed workers and our growing population.

Instead, they bring forward a constitutional amendment which, if ratified, would enshrine discrimination in the United States Constitution, this country's most treasured document. Our Constitution has never been amended to discriminate against a particular group of Americans.

Gay and lesbian Americans deserve the same rights, responsibilities, and protections as other citizens. This amendment would deny same-sex couples the right to make medical decisions for a sick spouse, to share health insurance, to collect Social Security death benefits, all rights that married

couples take for granted. We all have family members or friends whose hopes and dreams this amendment would shatter, good people whose lives should not be used as an election-year tactic to distract attention from the incompetence of the Bush administration's planning for and the conduct of the dismal, dismal aftermath of President Bush's war on Iraq and to distract attention from 4 years of deteriorating fiscal stability here at home, with record yearly deficits, exploding national debt, and puny job growth.

Mr. Speaker, we should reject this rule and this divisive, discriminatory amendment.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentleman for yielding me this time.

Mr. Speaker, my comments would be generally around an article which appeared by one of my colleagues whom I greatly respect, the gentleman from California (Mr. COX), who spoke out against this amendment. I generally agree with the gentleman from California (Mr. COX), but I have to respectfully disagree with him on this particular item.

Traditional marriage, let us face it, is under attack for the very reasons that my colleague from California (Mr. COX) had cited in that article. We need a constitutional amendment to protect traditional marriage from the courts. For the reasons cited by the Massachusetts Supreme Court and the logic of the U.S. Supreme Court in *Lawrence v. Texas*, we cannot trust the courts to interpret the law as it was intended.

As the gentleman from California (Mr. COX) cited in the article: "The judicial imagination continues to thrive." While I believe that rights under the 14th amendment should evolve, there must be checks. The Marriage Protection Amendment will check this imagination and protect marriage as it was intended.

The need for a Federal marriage amendment is simple. The traditional institution of marriage is under Federal constitutional attack in the courts. Legal experts across the political spectrum agree that the only way to guarantee and preserve the status quo, and the traditional institution of marriage, is a Federal constitutional amendment.

Immediately after the U.S. Supreme Court announced its decision in *Lawrence v. Texas* in June of 2003, legal experts predicted that courts would begin to strike down traditional marriage laws around the country. Indeed, one justice, Ruth Bader Ginsburg, has already written, while serving as general counsel to the American Civil Liberties Union, that traditional marriage laws such as anti-bigamy laws are unconstitutional and must be struck down by the courts.

A State constitutional amendment cannot solve this problem. Just ask Nebraska, whose State constitutional

amendment is currently under Federal constitutional attack. And as the gentleman from California (Mr. Cox) had acknowledged, even the Massachusetts Supreme Judicial Court relied on the 14th amendment, a Federal constitutional provision, to invalidate traditional marriage laws in that State.

At least six Federal constitutional challenges to the Federal Defense of Marriage Act, DOMA, are now pending in four States: Florida, Minnesota, Washington, and California. A representative of the Lambda Legal organization, a champion of the nationwide litigation campaign to abolish traditional marriage laws in every State, recently stated, "We won't stop until we have same-sex marriage nationwide."

The only way to stop the lawsuits and to ensure the protection of traditional marriage is a constitutional amendment.

Mr. MCGOVERN. Mr. Speaker, the Log Cabin Republicans, which is a very well-known group to all of us here in the Congress, a group that voted to endorse Bob Dole in 1996 and George Bush again in 2000, has issued a statement entitled "Log Cabin Republicans Vote to Withhold Their Endorsement from President Bush."

The statement says that it is impossible to overstate the depth of anger and disappointment caused by the President's support for an anti-family constitutional amendment. It goes on to say that using gays and lesbians as wedge issues in an election year is unacceptable to Log Cabin, and they conclude by saying that this year they will withhold their endorsement of President Bush.

The text of the article is as follows:  
LOG CABIN REPUBLICANS VOTE TO WITHHOLD  
ENDORSEMENT FROM PRESIDENT BUSH

WASHINGTON, Sept. 8.—Log Cabin Republicans are withholding their endorsement from President Bush for 2004. "Log Cabin's National Board has voted to withhold a Presidential endorsement and shift our financial and political resources to defeating the radical right and supporting inclusive Republican candidates for the U.S. Senate and House of Representatives," said Log Cabin Board Chairman William Brownson of Ohio. The Log Cabin Board of Directors voted 22 to 2 not to endorse the President's re-election.

"Certain moments in history require that a belief in fairness and equality not be sacrificed in the name of partisan politics; this is one of those moments. The national board's vote empowers Log Cabin to maintain its integrity while furthering our goal of building a more inclusive Republican Party. Log Cabin is more committed than ever to its core mission to build a stronger and more inclusive Republican Party. There is a battle for the heart and soul of the Republican party, and that fight is bigger than one platform, one convention, or even one President," said Log Cabin Republicans Executive Director Patrick Guerriero.

The vote by Log Cabin's 25 member national board marks the first time since the organization opened a national office in Washington, DC in 1993 that the organization has not endorsed the Republican nominee for President. Log Cabin endorsed Bob Dole in 1996 and George W. Bush in 2000.

Log Cabin will devote its financial and political resources to elect fair-minded Repub-

lican allies to local, state and federal offices. Log Cabin will endorse more than 50 GOP candidates for the U.S. House and Senate. "Every victory by fair-minded Republicans is a victory for the future of our party. We have made it clear that we can either be the party of Arnold Schwarzenegger and Rudy Giuliani or we can be the party of Alan Keyes and Rick Santorum," continued Guerriero.

"Log Cabin has proudly supported the President's firm leadership in the war on terror. As principled Republicans, we believe in our Party's commitment to a strong national defense and a confident foreign policy. We especially applaud the President's leadership in cutting taxes for American families and small businesses, his belief in free market principles and his compassionate and historic leadership in the global fight against HIV/AIDS," continued Guerriero.

"At the same time, it is impossible to overstate the depth of anger and disappointment caused by the President's support for an anti-family Constitutional Amendment. This amendment would not only ban gay marriage, it would also jeopardize civil unions and domestic partnerships. For six months, the President has made it clear what he opposes. He opposes civil marriage equality; however he has failed to articulate clearly what he supports. Does he support federal civil unions? Does he support domestic partnerships? Does he support tax fairness for gay and lesbian couples? Does he support employment non-discrimination? Does he support hate crimes legislation? Does he support allowing gay and lesbian service members to serve openly and honestly?" asked Log Cabin Political Director Chris Barron. "An organization's endorsement means nothing if it does not have to be earned."

"Some will accuse us of being disloyal. However, it was actually the White House who was disloyal to the 1,000,000 gay and lesbian Americans who supported him four years ago. Log Cabin's decision was made in response to the White House's strategic political decision to pursue a re-election strategy catered to the radical right. The President's use of the bully pulpit, stump speeches and radio addresses to support a Constitutional amendment has encouraged the passage of discriminatory laws and state constitutional amendments across America. Using gays and lesbians as wedge issues in an election year is unacceptable to Log Cabin," continued Guerriero.

"At the same time that we saw record numbers of gay and lesbian delegates at the Republican National Convention, and at the same convention where we saw hundreds of fair-minded Republicans gather to support Log Cabin and our allies, our party's platform adopted vicious and mean-spirited language that marginalizes gay and lesbian Americans."

Log Cabin's 2000 endorsement of the Bush/Cheney ticket came during an election where the Republican nominee ran a compassionate conservative campaign that avoided culture war issues. After meeting with gay Republicans in 2000, Mr. Bush declared "I am a better man," and welcomed gays and lesbians as valued parts of the American family. The early days of the Bush administration were marked by significant victories—maintaining existing anti-discrimination protections for federal employees, appointing openly gay employees throughout the Administration, a continuing dialogue with our organization, and the extension of survivor benefits to gay and lesbian partners who lost loved ones on 9/11.

Unfortunately these early successes were short-lived. "Last year, a dramatic and disappointing shift occurred rooted in Karl

Rove's public acknowledgment that the 2004 re-election campaign would focus on turning out four million more evangelicals who he believed stayed home in 2000," said Guerriero. The President's initial reluctance to amend the Constitution became full-fledged support on February 24th of this year.

Log Cabin has spent most of the year fighting the anti-family Federal Marriage Amendment. This fight culminated with a July victory in the Senate when a growing chorus of Republican opposition of the amendment forced the pro-amendment faction to play procedural games to avoid an embarrassing loss. As many as a dozen or more Republican Senators were prepared to oppose the FMA on its merits.

"During the fight over the anti-family FMA, we sadly watched as the President and his Administration leaned on Republican members of the House and Senate to support this divisive and unnecessary amendment. We watched as the President's support for this anti-family amendment emboldened the forces of fear and exclusion to push anti-gay ballot initiatives and legislation on the state and local level. We watched as the radical right works to defeat fair-minded Republicans across the nation. We watched as the Republican Party Platform rejected our Party Unity Plan and included language opposing not only civil marriage but also civil unions, domestic partnerships or indeed any basic benefits for same-sex couples. At a time when courageous gay and lesbian military personnel are helping to win the war on terror, the platform outrageously claims 'homosexuality is incompatible with military service,'" continued Guerriero. The GOP platform language continues to target gays and lesbians and fails to present a positive agenda to ensure basic fairness for millions of gay Americans, who pay taxes, serve in the military, enhance communities, and serve in government.

Throughout this challenging year Log Cabin has doubled in size and launched new chapters where none existed. Log Cabin successfully led the fight against the Federal Marriage Amendment with its first ever television advertising campaign, worked with 18 GOP lawmakers in passing hate crimes legislation in the Senate, and continued supporting and educating state and local officials. Log Cabin was proud to be the only gay and lesbian organization to endorse Arnold Schwarzenegger's campaign for Governor of California. Log Cabin also was proud to see many of its closest allies speaking in primetime at the Republican National Convention. "It is not surprising to anyone at Log Cabin that the President's first real bounce in the polls came after a convention that highlighted inclusive Republicans and focused on unifying issues such as winning the war on terror. Log Cabin knows that the 2006 and 2008 elections will highlight a new generation of inclusive Republican leaders," said Guerriero.

Log Cabin calls on both major parties to return to the issues that unite the American family instead of fueling an unnecessary culture war. Log Cabin also denounces the continued flip-flops on gay and lesbian issues from Democratic nominee John Kerry. Senator Kerry has repeatedly made clear his opposition to civil marriage equality and has supported discriminatory constitutional amendments in Massachusetts and Missouri.

Log Cabin is firmly committed to seeing inclusive Republicans elected in 2004. Log Cabin will continue to oppose and expose any efforts to marginalize gays and lesbians. We also will continue to make it clear that the only way the GOP can continue as the majority party is to reach out to all Americans. Log Cabin also will continue to make it clear

that the gay and lesbian community can realize full equality only if it works on building new alliances with conservative and centrist Americans.

"The battle for the heart and soul of the Republican Party has just begun. We are confident that the politics of inclusion and hope will prevail over the politics of exclusion and fear. History, fairness and common decency are on our side," concluded Guerriero.

Last week, Log Cabin launched a new television advertising campaign to take this fight for the GOP's future directly to the American people. The ad makes it clear that the party has a choice. We can be the party of hope, in the best tradition of Ronald Reagan, by uniting around issues that bring Republicans together, like winning the war on terror; or the party can divide Americans with the politics of intolerance and fear that only lead to hate.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, there seems to be some confusion as to what constitutes marriage. In the Christian community, and we are a Christian Nation, you can affirm that by going back to our Founding Fathers and their belief in how we started, among Christians, marriage is generally recognized as having started in the Garden of Eden. You may go back to Genesis to find that and you will note there that God created Adam and Eve. He did not create Adam and Steve. A union between other than a man and a woman may be something legally, but it just cannot be a marriage, because marriage through 5,000 years of recorded history has always been a relationship between a man and a woman.

□ 1330

More than just Christian societies have marriage. And why would every recorded society through 5,000 years of recorded history, why would they all have marriage as a union between a man and a woman? It is because societies, one and all, have recognized that marriage is a very important institution. And why is it important? It is because the usual product of marriage is children. And the state, or the tribe or whatever the organization is, all through history recognized that there is a responsibility for the assurance that the children brought into the world as a result of marriage are going to be cared for, which is why all of these societies have recognized that children should not be born out of that relationship, and that relationship is fundamentally there to make sure that their society is going to be perpetuated because children are going to be cared for, if not by the parents, then by the society that has recognized this relationship.

I think that a society is at risk when the institution of marriage, so funda-

mental to the stability of society, is put at risk.

So I am in strong support of this rule and the bill that follows.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would just point out to the gentleman who just spoke that there is no law in this country that forces any given religion to recognize any particular marriage. Religions are separate from what we are talking about here today. I just want to remind the gentleman that there are non-Christians who live in this Nation as well, and I would hope that he would believe that this country is equally theirs as well.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I would note that I had mentioned that not only Christian nations but every society through 5,000 years of recorded history has recognized the institution of marriage as being essential to the stability of their society. We are a Christian society, but I recognize that every other society, no matter what their origin, has certified that marriage is important to the stability of their society. It is to ours. It was to theirs.

I support the rule, and I support the bill.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I have to tell the Members I cannot imagine a more important debate, sadly, that we must have. The question is whether or not the United States House of Representatives is going to sit idly by and be silent while activist radical judges unravel the very fabric of our society by undoing the basic building block that has made this and every civilization that has ever been successful a success.

What we have got to recognize is that we have an obligation as a Congress here. Yes, there are three separate and equal branches of government in the United States under our wonderful Constitution given to us from the Founders. However, it is unfortunate that all too often lately, the judicial branch has essentially forced legislature into drafting reactions to what they have invaded, which is the territory of the Congress in making laws for the country. And thus this constitutional amendment is absolutely necessary.

Of course, a healthy jealousy between the three branches is always a good thing. It was designed by Madison and the Framers in order to have a give and take between the three branches. But it is emphatically within the province of the Congress to make laws that affect the people of the United States of

America, and all too often courts are trying to do that for us.

Today, we are here to protect the very definition of marriage. The American people have spoken very clearly time after time about the importance of defending the traditional view of marriage. This amendment does not prohibit any consensual behavior between any two American citizens. It does not prevent any two people from behaving however they would like. What it does do is to defend for our children, for our posterity, the traditional, historic definition of marriage.

It is unfortunate that the will of the people increasingly is being violated by activist judges so that they can impose like philosopher-kings their view of a better way to do things, and they have certainly come up with a better way to do traditional family life. And they are going to, as they did in Massachusetts, try to impose it on all Americans.

Thomas Jefferson, near the end of his life, wrote in a letter to Edward Livingston on March 25, 1825: "One single object . . . will merit the endless gratitude of society: that of restraining the judges from usurping legislation."

Mr. Speaker, with that, I beg Congress to protect marriage, protect our children, protect our future. Vote for this amendment.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would like to read a Q and A between Vice President DICK CHENEY and a questioner in Davenport, Iowa, on August 24, 2004, because I think it helps to kind of put this in perspective, and maybe some of my colleagues should listen to this.

The question was: "We have a battle here on this land as well. And I would like to know, sir, from your heart, I don't want to know what your advisors say or even what your top advisor thinks, but I need to know, what do you think about homosexual marriages?"

And the Vice President responded: "Well, the question has come up obviously in the past with respect to the question of gay marriage. Lynn and I have a gay daughter, so it's an issue that our family is very familiar with. We have two daughters, and we have enormous pride in both of them. They're both fine young women. They do a superb job, frankly, of supporting us. And we are blessed with both our daughters.

"With respect to the question of relationships, my general view is that freedom means freedom for everyone. People ought to be able to be free, ought to be free to enter into any kind of relationship they want to. The question that comes up with respect to the issue of marriage is what kind of official sanction or approval is going to be granted by government, if you will, to particular relationships. Historically, that's been a relationship that has been handled by the States. The States have made that basic fundamental decision in terms of defining what constitutes a marriage. I made clear 4

years ago, when I ran and this question came up in the debate I had with JOE LIEBERMAN, that my view was that that's appropriately a matter for the States to decide and that's how it ought to be best handled."

I very rarely agree with the Vice President of the United States, but I think he makes an awful lot of sense on this issue, and I think he makes a compelling case why we should not be moving forward with a constitutional amendment.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, this afternoon, we will debate and vote on the Marriage Protection Amendment. And let us be clear. This debate today is not about denying anyone rights. This is ensuring that the will of the people is protected.

My home State of South Carolina is one of 44 States that has already enacted laws defining marriage as a union between a man and a woman. They voted, and they decided how marriage should be defined. So I stand here today as their representative, wondering why that will and that the will of over 70 percent of Americans nationwide should be tossed aside because a few activist judges disagree.

Unfortunately, as we stand here today, we are faced with the fact that a handful of these judges have taken it upon themselves to hand down rulings that in effect amend the Constitution of the United States. They have circumvented the democratic process with their rulings. Therefore, the decision we are now left with is not whether the Constitution will be amended but who will amend it, activist judges or the American people.

Every American should have the opportunity to vote on this important issue. The institution of marriage deserves protection. It is our most basic social institution for protecting children. Preserving it sends a message to our children about marriage and traditional family life and values.

Mr. Speaker, I hope my colleagues will join me today in supporting the marriage protection amendment. It is time to get the debate back where it belongs, with the American people.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would just like to read a couple of other quotes here which I think are enlightening. One from JOHN MCCAIN, Republican Senator from Arizona where he said: "The constitutional amendment we're debating today strikes me as antithetical in every way to the core philosophy of Republicans." He added, the amendment "usurps from the States a fundamental authority they have always possessed and imposes a federal remedy for a problem that most States do not believe confronts them."

Let me read one other quote here. "It seems to me that the power to regulate 'commerce' can by no means encompass authority over mere gun possession any more than it empowers the Federal Government to regulate marriage, littering, or cruelty to animals throughout the 50 States. Our Constitution quite properly leaves such matters to the individual States." And that is from the words of Supreme Court Justice Clarence Thomas in U.S. v. Lopez.

Mr. Speaker, today, we have the opportunity to do the right thing. We have the opportunity to reject the politics of division and discrimination. We have the opportunity to protect the Constitution of the United States, to stay on the path toward equal protection under the law for every single American. We have the opportunity to act in a way that reflects well on this institution and the people we are elected to serve.

I am encouraged, Mr. Speaker, by the number of Republicans who will vote "no" on this misguided constitutional amendment today. And I am proud to stand with them.

We will hear a lot about Massachusetts today. A son of our State named John F. Kennedy once said, "The heart of the question is whether all Americans are to be afforded equal opportunities, whether we are going to treat our fellow Americans as we want to be treated." Mr. Speaker, that is indeed the heart of the question.

I urge my colleagues to seize this opportunity, vote "no" on this constitutional amendment.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### MARRIAGE PROTECTION AMENDMENT

Mr. DELAY. Mr. Speaker, pursuant to House Resolution 801, I call up the joint resolution (H.J. Res. 106) proposing an amendment to the Constitution of the United States relating to marriage, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 106 is as follows:

H.J. RES. 106

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:*

"ARTICLE —

#### "SECTION 1. SHORT TITLE.

"This Article may be cited as the 'Marriage Protection Amendment'.

#### "SECTION 2. MARRIAGE AMENDMENT.

"Marriage in the United States shall consist solely of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman."

The SPEAKER pro tempore. Pursuant to House Resolution 801, the Chair at any time may postpone further consideration of the joint resolution until a time designated by the Speaker.

The gentleman from Texas (Mr. DELAY) and the gentleman from Michigan (Mr. CONYERS) each will control 1 hour and 15 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I yield 7 minutes to the distinguished gentlewoman from Colorado (Mrs. MUSGRAVE), the author of this amendment.

Mrs. MUSGRAVE. Mr. Speaker, I rise to speak in favor of the proposed marriage protection amendment to the Constitution of the United States of America.

Before addressing the merits of the marriage protection amendment, I want to thank the gentleman from Illinois (Speaker HASTERT) and the gentleman from Texas (Mr. DELAY) for bringing this bill up.

I know there are some in Congress and the media who do not believe traditional marriage rises to the level of importance to be considered on the floor today.

The American people disagree with them. This bill is about protecting the institution of marriage, which, as the Supreme Court said many years ago, is "the foundation of the family and of society, without which there would be neither civilization nor progress."

□ 1345

Since Labor Day, this Congress has spent time renaming post offices and Federal buildings, Mr. Speaker. If we have enough time to rename post offices and Federal buildings, surely we have enough time to spend an afternoon considering whether the very foundation of traditional marriage will endure another 200 years.

On one matter, however, I do agree with the opponents of this bill: We should not lightly undertake to amend the Constitution. In the 213 years since