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On May 20, the U.S. Supreme Court issued a ruling whose destructive power may rival the infamous *Roe v. Wade* (1973) decision.

In *Romer v. Evans*, the court voted 6-3 to strike down a voter-approved amendment to Colorado's constitution that would have prevented homosexuality from being added to civil rights laws by the state and local governments. The people of Colorado had voted for Amendment 2 in response to adoption of homosexual rights laws in several cities, including Denver and Aspen. The amendment took no rights away from homosexuals, merely ensuring that homosexuality would not receive preferential treatment.

800,000 Bigots?

Justice Anthony Kennedy, writing for the majority, concluded that the voters were motivated only by "animus" toward homosexuals, seeking to deny them access to the political process. In effect, he called more than 800,000 Coloradans "hate-filled bigots" for withholding a powerful legal weapon from homosexual activists.

In a scathing dissent, Justice Antonin Scalia said the ruling has "no foundation in American constitutional law and barely pretends to. ... Amendment 2 is designed to prevent piecemeal deterioration of the sexual morality favored by a majority of Coloradans ... striking it down is an act, not of judicial judgment, but of political will."

Scalia noted that under the court's reasoning, polygamists could demand redress because they are disadvantaged by state laws prohibiting polygamy. He asked whether the court had somehow concluded that polygamy was a greater social harm than homosexuality. Scalia also noted that the majority had completely ignored the 1986 *Bowers v. Hardwick* case, which established that states can criminalize sodomy. If states can do that, he wrote, then surely they can deny "preferential treatment" to a class that defines itself

TYRANNY IN ROBES

solely by its willingness to engage in that behavior.

Homosexual activists celebrated the *Romer* ruling. Conservative activist Paul Weyrich and Colorado for Family Values President Will Perkins called for impeachment of the six majority justices, who include Reagan appointee Kennedy, Sandra Day O'Connor (Reagan), David Souter (Bush), John Paul Stevens (Ford), Stephen Breyer (Clinton) and Ruth Bader Ginsburg (Clinton). Other leaders raised the question of judicial term limits and of activating Congress' constitutional power to limit which cases the Supreme Court can rule upon.

*"NOT JUDICIAL JUDGMENT,
BUT POLITICAL WILL."*

The court did stop short of elevating "sexual orientation" to the same level of protection as race, ethnicity and other traditional civil rights categories. But the legal effect may be less than the cultural effect. Within hours of the decision, a lesbian attorney in Florida said the court had ruled

that homosexuality could not be taken into account in child custody cases. The court did no such thing, but such broad interpretations can now be expected to be routinely advanced in homosexuality-related cases.

Pass DOMA Now

Citizens who believe in traditional morality and the rule of law must now rally around the Defense of Marriage Act (DOMA), a federal bill that defines marriage as "the union of one man and one woman as husband and wife and allows states to ignore out-of-state marriage licenses issued to homosexual couples.

Liberal judges in Hawaii are expected to legalize homosexual "marriage" as early as September, and homosexuals are preparing to fly to Hawaii, get "married," and claim marital status in their home states. Given the Supreme Court's usurpation of power in Colorado, passage of DOMA (H.R. 3396) and (S. 1740) is imperative. DOMA will reassert the constitutional authority of Congress, send the courts the message that America will not surrender to homosexual activists, and secure marriage against radical redefinition. So far, 11 states have passed bills protecting marriage, but DOMA is needed immediately to protect the federal code and state marriage laws.

What You Can Do

Call or write your senators and congressman and urge them to sponsor DOMA, not merely pledge to vote for it. The Capitol Hill switchboard is 202-225-3121. Addresses: U.S. Senate, Washington, D.C. 20510; U.S. House of Representatives, Washington, D.C. 20515. Also, ask your state representatives to pass a marriage protection law at the state level.

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