

## Gay marriage foes see hope for amendment

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*PUBLISHED IN: NATIONAL*

Supporters of a bill that would ask voters to write a ban on same-sex marriage into the state Constitution say it has its best chance at passage since they started pushing for it in 2004.

Sen. James Forrester, a Gaston County Republican, has filed the bill consistently for nearly a decade, but the proposal never made it to a full vote. Democrats held control of both the House and Senate for most of those years.

With Republicans now controlling the legislature, Forrester is looking forward to hearings and a victory.

"I think we have enough votes to get it passed," he said. Republicans hold majorities in both chambers, and similar bills in past years have drawn bi-partisan support.

The proposed amendment would go on the 2012 ballot if three-fifths of the House and Senate vote in favor. The governor cannot veto proposed constitutional amendments.

In 2007, a House bill calling for a same-sex marriage constitutional ban had 66 sponsors and co-sponsors - just six people short of the votes needed to pass - in a year when Republicans were in the minority. The bill made it out of a House committee, but then House-Speaker Joe Hackney, an Orange County Democrat, used the power of his office to kill the proposal.

This year's Senate bill has 23 sponsors. If it gets to the Senate floor, it can pass even if only the chamber's 30 Republicans vote for it.

Senate leader Phil Berger, an Eden Republican, has co-sponsored same-sex ban bills in past years,

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Sen. James Forrester

including in 2007, 2008 and 2009. He said last week that hearings on the new bill haven't been scheduled because the Senate will deal with the budget and redistricting first.

"I'd say later rather than sooner," Berger said. "No decision has been made."

The state already has a law banning same-sex marriage, but supporters of the constitutional amendment said the law isn't enough. The law is vulnerable to changes by future legislatures, Forrester said, or to a judge who thinks it's wrong.

The amendment "prevents a liberal judge from saying 'no,'" Forrester said.

Opponents of a constitutional amendment say it is not necessary because the state already has the law.

"This is about sending a message that gay and lesbian people are second-class citizens," said Ian Palmquist, executive director of the gay-rights group Equality North Carolina. There's no likelihood of getting a successful challenge to the law through the North Carolina courts, Palmquist said.

The Human Rights Campaign, a national gay rights group, is giving Equality N.C. \$10,000 for work to keep the question off the ballot.

Palmquist said its community organizer would work on getting ban opponents to call and e-mail legislators.

### **55% opposed, poll says**

The new push for a state ban comes just as a new Elon University Poll indicates that a majority of North Carolinians oppose a same-sex marriage ban.

According to results of the survey, which called 467 adults from Feb. 20 to 24, more than 55 percent would oppose the marriage ban amendment, while only about 38 percent would support it.

"It's an important signal to the state legislature that the people of North Carolina are moving toward supporting fairness for same-sex couples," Palmquist said. "More and more North Carolinians know somebody who is gay, and know they deserve to be treated fairly, like anyone else."

The poll is a survey of households, not registered voters, so it is not an indicator of how such a question would fare if placed on a ballot.

States began their efforts to write same-sex marriage bans into their constitutions about the time Forrester filed his first bill.

A 2003 ruling by the highest court in Massachusetts that denying marriage to same-sex couples was unconstitutional triggered a wave of bans in other states.

Amendment proponents in North Carolina said then that married same-sex couples might move from Massachusetts to North Carolina and demand that their marriages be recognized.

Thirty states have changed their constitutions to say that marriages between a man and woman are the

only legally recognized unions, according to the National Conference of State Legislatures.

Five states and the District of Columbia issue marriage licenses to same-sex couples.

### **'Perversity,' 'diversity'**

All states that have put bans on gay marriage on their ballots have eventually approved them. The prospect of a constitutional ban in North Carolina has energized conservatives.

Mecklenburg County Commissioner Bill James, a longtime supporter of the ban, said the amendment would make a moral statement.

"The purpose is not just to prevent Massachusetts people coming down," he said. "It's also to put a big letter of shame on the behavior. We don't want them here. We don't want them marrying. If you're going to do it in San Francisco, it's your own business."

In an e-mail last week, James predicted easy passage. "Bet it will pass with over 60 percent," he wrote. "The public in my opinion knows the difference between perversity and diversity."

Senate Minority Leader Martin Nesbitt, an Asheville Democrat, said there's no need for a constitutional amendment.

There should be a high threshold for amendments, he said, and it's best to avoid the urge to go in and change a document that works.

If the bill passes, it would be on the ballot in a presidential election year.

"Democrats may not like that it will bring out conservative Republicans and conservative Democrats to vote for it," Forrester said.

Palmquist sees a broader motive as well.

"There's a political calculation in that, certainly," he said.

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