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(*Deceased)

Oppose the "Federal Marriage Amendment" (S.J. Res. 1) Don't Write Discrimination into the Constitution

June 5, 2006

Dear Senator:

On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, we strongly urge you to **oppose the "Federal Marriage Amendment" (S.J. Res. 1)**, a radical proposal that would permanently write discrimination into the United States Constitution. LCCR believes that this highly divisive amendment is a dangerous and unnecessary approach to resolving the ongoing debate over same-sex marriage, and that it would turn 225 years of Constitutional history on its head by requiring that states actually restrict the civil rights of their own citizens.

As a diverse coalition, LCCR does not take a position for or against same-sex marriage. The issue of same-sex marriage is an extremely difficult and sensitive one, and people of good will can and do have heartfelt differences of opinion on the matter. However, LCCR strongly believes that there are right and wrong ways to address the issue as a matter of public policy, and is extremely concerned about any proposal that would alter our nation's most important document for the direct purpose of excluding any individuals from its guarantees of equal protection.

The proposed amendment is antithetical to one of the Constitution's most fundamental guiding principles, that of the guarantee of equal protection for all. For the first time in history, the Constitution would be altered to be used as a tool of exclusion, restricting the rights of a group of Americans. It is so far-reaching that it would not only prohibit states from granting equal marriage rights to same-sex couples, but also may deprive same-sex couples and their families of fundamental protections such as hospital visitation, inheritance rights, and health care benefits, whether conveyed through marriage or other legally recognized relationships. Such a proposal runs afoul of basic principles of fairness and will do little but harm real children and real families in the process.

Constitutional amendments are extremely rare, and are only done to address great public policy needs. Since the Bill of Rights' adoption in 1791, the Constitution has only been amended seventeen times. LCCR believes that the Bill of Rights and subsequent amendments were designed largely to protect and expand individual liberties, and certainly not to deliberately take away or restrict them.

LCCR is particularly troubled by the virulent rhetoric of some organizations working to enact the proposed amendment, and their animus towards gays and lesbians. The attacks made by many of the most vocal proponents, such as the Traditional Values Coalition



and the American Family Association, are disturbingly similar to the sorts of attacks that have been made upon other communities as they have attempted to assert their right to equal protection of the laws. This is, of course, an element of the debate that the civil rights community finds deeply disturbing, as should all fair-minded Americans.

In addition, supporters of the Federal Marriage Amendment cite “judicial activism” as a reason to enact it. Terms like “judicial activism” are alarming to LCCR and the civil rights community because such labels have routinely been used in the past to attack judges who made courageous decisions on civil rights matters. When Chief Justice Earl Warren wrote the unanimous Supreme Court decision in *Brown v. Board of Education* (1954), for example, defenders of segregation cried “judicial activism” across the South and across the country. Many groups and individuals demanded that Congress “impeach Earl Warren.” The Supreme Court’s ruling in *Loving v. Virginia* (1967), which invalidated a state anti-miscegenation law, resulted in similar attacks. Fortunately, our nation avoided taking any radical measures against the so-called “judicial activists” or their decisions, and we believe a similar level of caution is warranted in this case.

At a time when our nation has many great and pressing issues, Congress can ill afford to exert time and energy on such a divisive and discriminatory constitutional amendment. We implore you to focus on the critical needs facing our nation, and to publicly oppose this amendment. If you have any questions or need further information, please contact Rob Randhava, LCCR Counsel, at (202) 466-6058, or Nancy Zirkin, LCCR Deputy Director, at (202) 263-2880. Thank you for your consideration.

Sincerely,

Leadership Conference on Civil Rights

A. Philip Randolph Institute
American Association of People with Disabilities
American Civil Liberties Union
American Humanist Association
American Jewish Committee
Americans for Democratic Action
Americans United for Separation of Church and State
Anti-Defamation League
Asian American Justice Center (formerly known as NAPALC)
Asian Pacific American Labor Alliance, AFL-CIO
Association of Humanistic Rabbis
Bazelon Center for Mental Health Law
Central Conference of American Rabbis
Citizens’ Commission on Civil Rights
Disability Rights Education & Defense Fund
Friends Committee on National Legislation
Global Rights
Jewish Labor Committee
Korean American Resource & Cultural Center (KRCC)



Korean Resource Center (KRC)
Hadassah, the Women's Zionist Organization of America
Human Rights Campaign
Lambda Legal
League of United Latin American Citizens
League of Women Voters of the United States
Legal Momentum
Metropolitan Washington Employment Lawyers Association
Mexican American Legal Defense and Educational Fund
National Association of Human Rights Workers
National Alliance of Postal and Federal Employees
National Association for the Advancement of Colored People (NAACP)
National Association of Social Workers
National Council of Jewish Women
National Council of La Raza
National Disability Rights Network
National Education Association
National Employment Lawyers Association
National Gay and Lesbian Task Force
National Jewish Democratic Council
National Korean American Service & Education Consortium (NAKASEC)
National Partnership for Women & Families
National Urban League
National Women's Law Center
People For the American Way
PFLAG National (Parents, Families and Friends of Lesbian and Gays)
Planned Parenthood Federation of America
Project Equality, Inc.
Retail, Wholesale and Department Store Union, UFCW
Service Employees International Union (SEIU)
Society for Humanistic Judaism
The Interfaith Alliance
Union for Reform Judaism
Unitarian Universalist Association of Congregations
United Church of Christ Justice and Witness Ministries
United Food and Commercial Workers International Union
United States Student Association
Women Employed
Workmen's Circle/Arbeter Ring
YWCA USA