

States' rights should prevail

Written by Neil A. Davis, Gothenburg
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In 1996 President Bill Clinton signed the Defense of Marriage Act (DOMA) into law. While I agree that marriage should be defined as being between one man and one woman, I don't believe the federal government has any say in the matter. Problems lie in the fact that people in same-sex unions are denied benefits given to traditional married couples. The law has been controversial ever since it's enactment.

The U.S. Supreme Court (SCOTUS) is currently deliberating on DOMA's constitutionality and that of California's Proposition 8 which is basically the same thing at a state level. Proposition 8 is different in that the state and the people had the constitutional right to enact this legislation in 2008. It was overturned by a U.S. district court judge in 2010, ruling that it violated both the due process and equal protection clauses of the U.S. Constitution. In 2012 a Ninth Circuit Court of Appeals panel affirmed the decision and a majority of the full Ninth Circuit stayed the ruling, pending appeal. Proponents then filed a petition for SCOTUS to review the case.

People "in the know" are saying that SCOTUS will decide that DOMA is unconstitutional but won't get involved in Proposition 8, not wanting state's rights issues in their purview at this time. By declining to act on Prop 8, the decision will effectively go back to the Ninth Circuit Court ruling against the will of the people. I think it is unfortunate that both of these issues are being addressed at the same time. The point at which DOMA is repealed will give sway to one side or the other.

My thinking is, the process should start by looking at over 1,100 benefits that are being given to couples in traditional marriages. Without researching what they are, such a high number makes me think that many of them may not be necessary. States would then define their respective laws, deciding whether or not people in same-sex unions will receive the same benefits allowed to married couples. I think they should, but others disagree. State laws are decided by the democratic process.

Any federal law would only pertain to federal benefits. It would not punish same-sex couples and would not give excessive rewards to anyone. It would not define marriage. I'm not militant about the word marriage, but I'm a traditionalist. I don't think it right to redefine what has been associated with religion by millions of people for thousands of years. This is a complicated issue and the process will not be easy. That federal courts can so easily overturn the will of the people will continue to keep decisions in limbo. The main objective should be looking at ways of getting the federal government out of the mix.

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We need to keep in mind that media coverage of this is a distraction from the most pressing problem the country faces. If we don't fix our dying economy, most other issues become irrelevant.