

TUESDAY, FEBRUARY 24, 2004

South Bend Tribune

LOCAL EDITION

www.southbendtribune.com

50 CENTS

Impasse over marriage resolution

■ Lack of a quorum stalls all House business for the day.

By **MARTIN DeAGOSTINO**
Tribune Staff Writer

INDIANAPOLIS — The irresistible force met the immovable object in the House of Representatives on Monday, as neither Republicans nor Democrats budged on a proposed gay-marriage

amendment to the Constitution.

The impasse stalled all House business for the day, as Republicans prevented a quorum by refusing to take the floor. Finally at 6:30 p.m., Speaker B. Patrick Bauer, D-South Bend, sent lawmakers home until Wednesday.

The events also apparently killed some bills in Ways and Means, including a revival of Gov. Joe Kernan's full-day kindergarten plan, as Monday was the deadline for committee reports.

The immediate issue was Democrats' refusal to

consider a so-called "blast motion" by Republicans to move a resolution from committee. The resolution calls for constitutional language defining marriage as the union of one man and one woman.

Democrats have refused to hear the measure because it mirrors current law to the letter. Some Democrats also are responding to liberal and civil-rights constituents who don't favor constitutional language that limits people's rights, which few constitutions do.

See **MARRIAGE/A6**

36 South Bend Tribune LOCAL

FROM PAGE A1

Marriage

But Republicans say Indiana's "defense of marriage act" is under attack in Indiana courts and nationally, hence the need for a constitutional definition of marriage.

Citing the issue's importance, House Minority Leader Brian Bosma said his caucus had no choice but to invoke a House rule that would force a vote on the issue.

"If this isn't a cause for Rule 85, there is no cause for Rule 85," Bosma said.

The seldom-invoked rule runs counter to the much-honored committee process that governs legislative activity. And while Democrats felt assured they could defeat the motion on the floor, Bauer said it smacked of institutional revolt.

"I don't like the attack on the institution, period," he said.

Beyond that, Bauer said Republicans' insistence on new constitutional language was driven by outside forces, amounted to a distraction from lawmakers' proper focus on property taxes and economic devel-

opment, and could have the perverse result of generating a federal lawsuit challenging the new language.

"The danger in this is, you take Indiana judges out of the game and you give it to federal judges," he said.

Bauer's outside-forces reference was to the Family Research Council, a Washington, D.C.-based group that criticized his stance on the marriage-amendment resolution in a recent full-page Tribune ad.

Earlier Monday, gay-rights advocates said the resolution was a distraction from pressing needs for economic development and basic civil rights for gay, lesbian and transgendered people.

According to Indiana Equality, a constitutional change like Republicans want would deter bright college graduates and progressive businesses from locating in Indiana, just when the state needs their brainpower and business investments.

But Eric Miller, a Republican governor candidate who favors the resolution, said the amendment would not prevent any business from offering a full range of benefits to employees in same-sex relationships.

Ruling sought on same-sex marriages

SAN FRANCISCO (AP) — California's attorney general plans to ask the state Supreme Court on Friday whether San Francisco's approval of same-sex marriages violates state law.

Monday's announcement by Attorney General Bill Lockyer came after San Francisco filed a constitutional challenge to California's prohibitions on same-sex marriages.

Republican Gov. Arnold Schwarzenegger urged the attorney general last Friday to "take immedi-

ate steps" to get a court ruling to make the city stop the gay weddings.

More than 3,000 same-sex couples have been married since San Francisco Mayor Gavin Newsom decided to give out the licenses Feb. 12.

Conservative groups have also sued the city, but two judges declined to immediately halt the wedding spree. The next hearing in those cases isn't scheduled until late March.

Lockyer, a Democrat, said he agreed that immediate action was necessary.