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A Man in Motion: John Kerry on Same-Sex Marriage

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Surveys have consistently indicated that most Americans support traditional marriage and opposes redefining the institution to include same-sex unions. On this issue, the majority has spoken clearly and resoundingly. The recent landslide turnout and vote in Missouri sent a very clear message across the nation and caused shock waves that continue to reverberate throughout the political world. That turnout, exceeding even the most optimistic hopes of pro-marriage citizens, led to the adoption of an amendment to the state's constitution and established marriage as the union of a man and a woman. Now, politicians are scrambling to convince the public that they are on the right side of this issue.

The political gymnastics now being performed by Senator John Kerry defy the political imagination. Speaking to supporters in Kansas City on August 5—just two days after the Missouri vote—Kerry told his audience that he would have voted for Missouri's constitutional amendment banning gay marriage. He further commented that Massachusetts had passed the same type of amendment in years past, and that he had supported it.

That must have sounded reassuring to voters hoping to hear Kerry send a strong signal in support of marriage. Unfortunately, it just isn't true. The Massachusetts state constitution has no provision banning same-sex marriage as yet, a fact that should be obvious to all, given that state's infamous ruling in favor of same-sex marriage just this year. Though the legislature has given preliminary approval to such an amendment, the earliest opportunity for voters to approve the issue will come in 2006. What in the world is Kerry talking about?

He most certainly did not want his audience to know about the July 12, 2002 letter he signed along with other members of the Massachusetts congressional delegation. That letter, initiated by Congressmen Edward Markey and Barney Frank, was sent to the Massachusetts State Legislature as that body was considering a state constitutional amendment that would restrict legal recognition of same-sex relationships. Kerry joined the others in signing this letter, arguing that "the proposed Constitutional amendment that would prohibit or seriously inhibit any legal recognition whatsoever of same-sex relationships" should be opposed. "We believe it would be a grave error for Massachusetts to enshrine in our Constitution a provision, which would have such a negative effect on so many of our fellow residents. We in Massachusetts are justly proud of our Constitution, one of the first documents on this continent to set forward a system of self-government, which has not only served us well, but has been a model for others. The proposal to add to that document—essentially a charter of liberty and democracy—a provision as harsh both in its intent and its effect on our gay, lesbian, bisexual and transgender constituents is in conflict with the generous spirit that motivated its adoption, and that should continue to govern us today."

In other words, Kerry joined with his fellow senators and members of Congress in advising the Massachusetts State Legislature that it must not adopt an amendment preventing same-sex marriage. Just in case the legislators missed the point, Kerry and his colleagues concluded: "We are therefore united in urging you to reject this Constitutional amendment and avoid stigmatizing so many of our fellow citizens who do not deserve to be treated in such a manner."

Since he began running for the Democratic presidential nomination, Kerry has made his position on same-sex marriage a moving target. He now claims to oppose same-sex marriage but to support civil unions, which of course would grant homosexual couples the very same rights. Earlier this year, Kerry asserted his support for the proposed Massachusetts amendment, even though he opposed it just two years earlier. Now that he has the Democratic nomination firmly in hand, Kerry—along with his running mate, Senator John Edwards—is attempting to convince Americans that he is both in favor of and opposed to measures to protect traditional marriage, depending on the audience and the specific framing of the question.

Homosexual advocates understand the game being played. They know that Kerry and Edwards cannot come out boldly in support of same-sex marriage, given the public's overwhelming opposition to the redefinition of marriage. At the same time, they have been sending signals to the homosexual community assuring gay voters of the fact that their public opposition to same-sex marriage is only a matter of political necessity. Writing in *The Advocate*, the leading newsmagazine of the homosexual community, reporter Chad Graham describes the overwhelming support for the Kerry-Edwards ticket among gay activists. National Stonewall Democrats Executive Director Dave Noble told *The Advocate*, "The selection of Senator Edwards solidifies the most pro-gay, pro-family ticket in the history of presidential politics." After meeting with Kerry earlier this year, gay activists described the senator's voting record on gay issues as "virtually perfect." Kerry opposes the military's "don't ask, don't tell" policy, supports federal benefits for the partners of federal employees, and has voted in line with the gay agenda throughout his Senate career. David Tsena, Executive Director of Parents, Families and Friends of Lesbians, Gays, Bisexuals, and Transgenders [PFLAG] described Kerry in glowing terms after the meeting. "Never before have we had a presidential candidate with as good a record on GLBT [gay, lesbian, bisexual, and transgender] issues," he reported.

After the same meeting, Elizabeth Birch, a major activist on behalf of the homosexual community, told proponents of same-sex marriage to take it easy on Kerry. "The country is not there," she commented.

The logic is clear. Kerry cannot afford to offend mainstream voters who would be offended by support for same-sex marriage, so he instead offers public support for civil unions while running from his own record and comments on the larger issue of marriage. He has also sent homosexual activists the message that his opposition to same-sex marriage may not last.

When Massachusetts began recognizing same-sex marriages earlier this year, Kerry told reporters: "I personally believe that marriage is between a man and a woman. Obviously, I wish everybody in America happiness. I want people to be who they are." After the Missouri vote, Kerry was asked if he feared that the overwhelming passage of a constitutional amendment banning same-sex marriage would cost him votes in the presidential election. "No, not at all," Kerry responded, "because I have the same position as President Bush," meaning that he would let states decide the issue. Of course, the problem with that statement is that it is manifestly untrue. President George W. Bush, fully aware of the fact that federal judges are poised to overturn state laws and constitutional amendments, is a firm supporter of a Federal Marriage Amendment to the United States Constitution—a measure Kerry vehemently opposes. The real danger is that activist judges will decide the issue—not the citizens of each state.

As a matter of fact, Kerry has consistently argued that the Federal Marriage Amendment is either unnecessary or discriminatory, and he has described President Bush's support for the measure as playing politics with the Constitution. Describing his current position as "the same position as President Bush" represents a monumental act of political manipulation that denies the truth and insults the intelligence of American voters.

The urgent need for a Federal Marriage Amendment was made clear by the 2003 *Lawrence v. Texas* decision at the U.S. Supreme Court. In a sweeping ruling, a majority of Supreme Court justices indicated agreement with the logic that leads inevitably to the legalization of same-sex marriage. Furthermore, a cadre of activist federal judges is standing ready to invalidate state laws and constitutional amendments on the same grounds.

The will of the American people was made abundantly clear in 1996 when Congress overwhelmingly adopted the Defense of Marriage Act [DOMA], signed into law by President Bill Clinton. John Kerry was one of only fourteen senators who voted against the measure, and he was the only senator then up for re-election who did so. He proudly points to this vote as a mark of his support for the homosexual community.

Now, scrambling to confuse voters on the campaign trail, Kerry points to DOMA as the reason why a federal marriage amendment is unnecessary. This represents another of Kerry's now familiar "I was for it before I was against it" responses that leave honest minds confused and clear-headed voters outraged.

Kerry's hypocrisy in pointing to DOMA as the ground of his opposition to the Federal Marriage Amendment—arguing that DOMA is all that should be necessary to protect marriage—is published for all to see in a 1996 article Kerry wrote for *The Advocate*. "The misnamed and misguided Defense of Marriage Act [DOMA] is as unconstitutional and unnecessary as it is mean-spirited and malicious," Kerry stated. Later in the article, Kerry described DOMA as "unconstitutional," "unnecessary," "premature," and "presumptuous." Furthermore, he told readers that DOMA would create a "caste system for marriage." Kerry then quoted Martin Luther King, Jr. on the issue of mixed-race marriages. "Races do not fall in love and get married. Individuals fall in love and get married," Kerry quoted King. To these words, Kerry added his own. "This is the essence of the American pursuit of happiness and the core of the struggle for equality." Later, Kerry assured his *Advocate* readers: "We will win this fight for civil rights. We will win the fight for equal protection under the law. We will win the right for all Americans to live with whom they love without the fear of discrimination and violence. I learned from the struggles of the '60s and '70s that the wheels of progress turn slowly. We must all push together as one powerful force to roll over the obstacles of hatred and bigotry in this country."

Can there be any doubt that Kerry was signaling his clear support for same-sex marriage? What else can these words mean? There can be no doubt at all that Kerry, who now points to DOMA as the supposed rationale for opposing the Federal Marriage Amendment, characterized DOMA as unconstitutional at the time of its passage.

For a presidential candidate, there is only so far one can run from a 20-year Senate career. The issue of same-sex marriage is not going to go away, and it has caught Senator Kerry in a genuine conundrum. Those concerned for the protection of marriage should especially note comments Kerry made to *The Advocate* last year. Explaining his convoluted "opposition" to same-sex marriage, Kerry responded to a reporter's question with these words: "Will I come to a different view sometime down the road? Who knows?" In the same interview, Senator Kerry told gay activists to be patient, for same-sex marriage would probably come in due time. "I'm just saying the first step is to achieve the rights for everybody. Once you have achieved civil unions, it's quite possible we will go through an evolutionary process." When it comes to same-sex marriage, it looks like Sen. Kerry is planning to be for it, after he was against it, after he was for it for the first time. Got it?

Senator Kerry's position has certainly "evolved" since last Tuesday's vote in Missouri. But can he honestly ask Americans to believe him when he claims now that he would have voted for the Missouri amendment? Watch closely—the next step in his "evolution" probably isn't too far in the future.

