

Opponents of Same Sex Marriage Introduce Legislation

Below are the texts of two resolutions and one proposed amendment to the Vermont Constitution introduced in the past month; all oppose the Baker decision or would severely limit the rights of gay and lesbian families. House Resolutions 34 and 35 have been referred to the House Judiciary Committee where they are expected to die. The proposed constitutional amendment, lacks the support to move forward. Nevertheless, the names of the legislators who sponsored them are significant.

House Resolution 34

House Resolution relating to the Supreme Court Ruling in Baker v. State of Vermont

Offered by: Representatives **Schiavone** of Shelburne, **Starr** of Troy, **Allard** of St. Albans Town, **Angell** of Randolph, **Atkins** of Winooski, **Baker** of West Rutland, **Barney** of Highgate, **Blanchard** of Essex, **Bourdeau** of Hyde Park, **Brown** of Walden, **Buckland** of Newport Town, **Clark** of St. Johnsbury, **Cleland** of Northfield, **Crawford** of Burke, **DePoy** of Rutland, **Flory** of Pittsford, **Follett** of Springfield, **Freed** of Dorset, **Fyfe** of Newport City, **Gervais** of Enosburg, **Gray** of Barre Town, **Gretkowski** of Burlington, **Hathaway** of Barton, **Helm** of Castleton, **Hoag** of Woodford, **Holmes** of Bethel, **Houston** of Ferrisburgh, **Howrigan** of Fairfield, **Hube** of Londonderry, **Hudson** of Lyndon, **Johnson** of Canaan, **Kinsey** of Craftsbury, **Koch** of Barre Town, **Krawczyk** of Bennington, **LaBarge** of Grand Isle, **Larocque** of Barnet, **Larrabee** of Danville, **Lehman** of Hartford, **Marron** of Stowe, **Maslack** of Poultney, **Mazur** of South Burlington, **McGrath** of Ferrisburgh, **McNamara** of Burlington, **Metzger** of Milton, **Morrissey** of Bennington, **Mullin** of Rutland Town, **Neiman** of Georgia, **O'Donnell** of Vernon, **Palmer** of Pownal, **Peaslee** of Guildhall, **Pembroke** of Bennington, **Pike** of Mendon, **Quaid** of Williston, **Richardson** of Weathersfield, **Robb** of Swanton, **Rogers** of

Castleton, **Schaefer** of Colchester, **Severance** of Colchester, **Sherman** of St. Johnsbury, **Smith** of New Haven, **Sweetser** of Essex, **Towne** of Berlin, **Valsangiacomo** of Barre City, **Willett** of St. Albans City, **Winters** of Williamstown, **Wisell** of Bristol, **Wood** of Brandon and **Young** of Orwell

Whereas, the Supreme Court stated that, "the evidence demonstrates a clear legislative assumption that marriage under our statutory scheme consists of a union between a man and a woman" and "that there is no doubt that the plain and ordinary meaning of 'marriage' is the union of one man and one woman as husband and wife," and

Whereas, the Supreme Court found that statutes that exclude anyone who wishes to marry someone of the same sex does not contravene Chapter I, Article 7th of the Vermont Constitution, and that inclusion of same sex couples in marriage law is not necessary for the continued constitutionality of our current law, provided an analogous statutory alternative exists, and

Whereas, the legislature recognizes the need to unify the electorate on this most difficult issue, and is appreciative of the Supreme Court's recognition of the primacy of the legislature in deciding how their rulings shall be carried out, now therefore be it

Resolved by the House of Representatives:

That the legislature will direct its efforts toward addressing the Supreme Court's opinion while reaffirming and sustaining the definition and positive values of traditional marriage and protecting them from alteration by actions taken in other states.

House Resolution 35

Reps. **Sheltra** of Derby, **Randall** of Bradford, **Baker** of West Rutland, **Hathaway** of Barton, **Hoag** of Woodford, **Hudson** of Lyndon, **Maslack** of Poultney, **McGrath** of Ferrisburgh, **Mullin** of Rutland

Town, **Pike** of Mendon, **Robb** of Swanton and **Valsangiacomo** of Barre City offered a House resolution, entitled

House resolution relating to the constitutional authority of the Vermont Supreme Court;

Whereas, the government of Vermont organized into three separate divisions of power, each exercising the exclusive powers constitutionally granted to it, is fundamental to the establishment and maintenance of our democratic republic and is a paramount necessity for a people to remain free and self-governing, and

Whereas, Chapter II § 5 of the Vermont State Constitution clearly states, "The Legislative, Executive, and Judiciary departments, shall be separate and distinct, so that neither exercise the powers properly belonging to the others" and clearly states in Chapter II § 2, "That Supreme Legislative power shall be exercised by a Senate and a House of Representatives", and

Whereas, the Vermont Supreme Court itself acknowledged this fundamental truth in re: D.L. 164 VT. 223 (1995), an opinion written by Justice Dooley and joined by Justices Morse and Johnson which held that "The Legislative power is the power that formulates and enacts the laws; the executive power enforces them; and the judicial power interprets and applies them", the division of power "serves to create a structure resistant to forces of tyranny", and

Whereas, the Vermont Supreme Court with this clear understanding of these liberty-protecting constraints and its authority did, after holding as a matter of law, that Vermont's marriage statute did not include same-sex couples and held

explicitly and unequivocally that the marriage law, in restricting marriage to the union of one man and one woman, did not violate the Vermont Constitution, then ordered the passage of hundreds of new laws requiring the creation of so-called domestic partnerships, a legal relationship which has never existed in this state or any other state of the union, in clear violation of its constitutional authority, the separation of powers, and it is thus without legal effect, and

Whereas, such an Order is a deliberate and willful attempt to usurp powers of the legislature and the people, and if not resisted, aids and abets the court in establishing itself as an all powerful oligarchy, in violation of our constitution, laws, history and the Constitution of the United States, and

Whereas, succumbing to the unconstitutional Order of the court, severely undermines and mocks the Judeo-Christian moral foundation of our society; furthermore, forcing laws on an unwilling populace constitutes a dereliction of duty on the part of the legislature by not protecting the people and their exclusive right, through their legislators, to determine what shall be enacted into law, within constitutional restraints, now therefore be it

Resolved by the House of Representatives:

That this legislative body ignore the Supreme Court's usurpation of legislative authority and that no change in law occur concerning marriage or domestic partnership as a result

of the Baker vs. State of Vermont opinion, and be it further

Resolved: That the House of Representatives immediately hold hearings to consider the impeachment of all Justices of the Vermont Supreme Court complicit in the Baker vs. State opinion, on the basis of unconstitutional usurpation of authority in violation of their oath to uphold and defend the Constitution of the State of Vermont.

Which was read, and referred to the committee on Judiciary.

Proposed Amendment To The Constitution Of The State Of Vermont

Offered by: Senator **Canns** of Caledonia County, Senator **Bahre** of Addison County, Senator **Costes** of Franklin County, Senator **Crowley** of Rutland County, Senator **Greenwood** of Essex-Orleans County, Senator **Ide** of Caledonia County, Senator **Illuzzi** of Essex-Orleans County, Senator **Maynard** of Rutland County and Senator **Morrissey** of Bennington County

Subject: Marriage; definition **PROPOSAL 6**

Sec. 1. PURPOSE

This proposal would clarify the definition of marriage.

Sec. 2. Chapter I, Article 22nd of the Vermont Constitution is added to read:

ARTICLE 22ND. [DEFINITION OF MARRIAGE]

That marriage is a special label for a partnership between a man and a woman. ▼

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