

Analysis: President Bush Endorses Constitutional Amendment Defining Marriage

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This is MORNING EDITION from NPR News. I'm Bob Edwards.

A constitutional amendment defining marriage as solely between a man and a woman won a key endorsement yesterday from President Bush, but such a proposal faces a lengthy process if it's to become an amendment. The first step would be winning approval by two-thirds majorities in both chambers of Congress, which is not expected to be very productive this election year. NPR's David Welna reports from the Capitol.

DAVID WELNA reporting:

As he threw his support behind amending the Constitution to ban gay marriage, President Bush also threw out a challenge to the Republican-controlled House and Senate.

(Soundbite of speech)

President GEORGE W. BUSH: Today I call upon the Congress to promptly pass and to send to the states for ratification an amendment to our Constitution defining and protecting marriage as a union of a man and woman as husband and wife.

WELNA: The president did not endorse any specific proposal for such an amendment, but he did say whatever Congress takes up should leave state legislatures free to, as he put it, 'define legal arrangements other than marriage,' thus leaving the door open to same-sex civil unions. It's an issue that, in fact, divides conservative and moderate Republicans. Senate Majority Leader Bill Frist was cautious yesterday about moving too quickly on the president's request.

Senator BILL FRIST (Majority Leader): The most common question I've received is 'Are you going to take it to the floor tomorrow or the next week?' and the answer is probably not. Somebody could take it to the floor, but we're going to go about it in a very thoughtful way. Amending the Constitution is a huge issue, and marriage is as important, I think, as any issue before us today, so in due time, we'll come forward.

WELNA: Frist said a federal marriage amendment might come before the Senate this summer in the weeks before the presidential nominating conventions, a time when congressional campaigns will also be in full swing.

In the meantime, Texas Republican John Cornyn plans to hold hearings on the matter starting next week in the Judiciary subcommittee he chairs. Cornyn's calling the first session judicial activism vs. democracy.

Senator JOHN CORNYN (Republican, Texas): To try to redefine this fundamental institution after all these many years by judges who have suddenly discovered this right to same-sex marriage despite our traditions, despite what the law has been, to me is completely unacceptable.

WELNA: But senior lawmakers say pushing a controversial amendment through Congress this year could be a tall order. Mississippi Senator Trent Lott is the former Republican leader.

Senator TRENT LOTT (Republican, Mississippi): It's going to be awfully hard, because that's the kind of thing that would take a lot of preparation and take probably a pretty good bit of time. We may have to do it, but it's going to be a scheduling problem without diminishing it or anything else.

WELNA: House Majority Leader Tom DeLay, for his part, also urged a go-slow approach, saying, quote, "We're not going to take knee-jerk reaction to this." And House Rules Committee Chairman David Dreier, a California Republican, declared his opposition to a marriage amendment, calling the matter a states' rights issue.

Any constitutional change needs two-thirds, which means getting the support of many Democrats, and even the Democrats who endorsed the 1996 Defense of Marriage Act may oppose changing the Constitution. Here's Indiana Senator Evan Bayh.

Senator EVAN BAYH (Democrat, Indiana): Amending the Constitution of the United States should be an act of last resort and not the first thing you rush out to do, so I think we first need to see whether the Defense of Marriage Act is upheld, and if so, there may be no need to have a constitutional amendment.

WELNA: Illinois Congresswoman Jan **Schakowsky** goes further. She, like many other Democrats, sees this as a civil rights fight that involves the Constitution.

Representative JAN **SCHAKOWSKY** (Democrat, Illinois): ...which has always been a document that expanded human freedom, it expanded opportunities, and really for the first time, would now target a population of Americans to disallow something very fundamental, I think, a right of theirs, and so I think that there will be less support for actually amending the Constitution.

WELNA: Of course, from the perspective of the campaign trail, the failure to pass the amendment could make it loom all the larger as an election issue.

David Welna, NPR News, the Capitol.