



N.H. House Kills Repeal of Same-sex Marriage

An effort to repeal the state's same-sex marriage law was rejected by the New Hampshire House of Representatives Wednesday, with lawmakers in Concord voting 211-116 to kill the repeal effort. The bill was introduced over a year ago and has been the subject of intense debate and an extensive advertising campaign by Standing Up for New Hampshire Families, a group defending same-sex marriage as a matter of personal liberty.



"Today is a banner day for the freedom to marry," co-chairman Craig Stowell, a Claremont Republican said in a statement released by the organization following Wednesday's vote. "Our opponents have been crowing about getting their two-thirds, but in the end, it's clear they couldn't muster the votes." Same-sex marriage opponents were hoping for a two-thirds majority in favor of repeal, since that would be needed to overcome a promised veto by Gov. John Lynch. Lynch, a Democrat now in his fourth two-year term, enraged defenders of traditional marriage when he signed the same-sex marriage bill into law in the spring of 2009 after having previously stated that he favored retaining the legal definition of marriage as a union between one man and one woman. New Hampshire now defines it under the Equal Access to Marriage law as follows:

Marriage is the legally recognized union of 2 people. Any person who otherwise meets the eligibility requirements of this chapter may marry any other eligible person regardless of gender. Each party to a marriage shall be designated "bride," "groom," or "spouse."

The law supplanted an act establishing civil unions for same-sex couples that Lynch had signed in 2007. Both bills were passed by Democratic majorities following that party's victories in the state House and Senate elections of 2006 and 2008. Traditional marriage proponents had hoped chances for repeal would be boosted after the 2010 elections put lopsided Republican majorities in control of each house. But more than 100 Republican representatives voted Wednesday to keep the current law unchanged. House Majority Whip Shawn Jasper, a nine-term representative from Hudson, was among the



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Republicans voting against repeal, as was Gene Chandler of Bartlett, a former Speaker of the House. The current speaker, Republican William O'Brien of Mont Vernon, stepped down from the chair to vote for the repeal bill, while House Majority Leader D.J. Bettencourt, a Salem Republican, opposed it.

New Hampshire is one of eight states, along with the District of Columbia, that have redefined marriage to include same-sex couples. New York, Connecticut, Massachusetts, Vermont, Maryland, Washington, and Iowa are the other states that have established same-sex marriage, either by legislative action or judicial decree. A ban on "gay" marriage adopted by California voters in a 2008 referendum has been declared unconstitutional by a federal appeals court and is expected to eventually reach the U.S. Supreme Court. New Jersey Governor Chris Christie has vetoed a same-sex marriage bill passed by lawmakers in the Garden State. A vote on an override has not been scheduled.

Backers of the New Hampshire repeal effort had hoped to make the Granite State the first to repeal a same-sex marriage law by legislative action. Maine voters overturned their legislature's enactment of a "gay" marriage bill by referendum in 2009. Wednesday's debate in Concord included the defeat of 10 amendments, including one that would have given New Hampshire voters a say on the marriage law in a non-binding referendum. Same-sex marriage has been defeated in all 31 states where it has been put to a popular vote, though it is far from a sure thing that the result would have been the same in New Hampshire. A number of statewide polls have shown a majority of citizens against repeal of the current law.

"This is an issue that is confusing, sets one section of the House against the other. And it will do the same thing, if it passed, out in our communities," said Rep. David Welch, a Kingston Republican speaking in opposition to a referendum. Other representatives debated whether the existing law is an affirmation of personal liberty or a perversion of the meaning of marriage.

"Marriage is not just any two people who love one another and want to spend their lives together," argued David Bates, the Windham Republican who led the repeal effort. "I don't suspect there's anybody here who would suggest that it would be appropriate for me to marry my father, for me to marry my brother, for me to marry my children." Republican Warren Groen of Rochester also suggested the law put the institution of marriage on a slippery slope toward bizarre new meanings.

"Who's next in line?" he asked. "The animal lovers can't be too far behind. Once you open a word to redefinition, it's open to redefinition."

While the issue appears settled for this legislative session, no one is betting that it won't come up again next year. The Associated Press reports the National Organization for Marriage has pledged to spend \$250,000 to help lawmakers running for reelection who support repeal of same-sex marriage, while the New Hampshire Republicans of Freedom and Equality PAC is raising money to back Republicans who voted to retain it. Stowell of Standing Up for New Hampshire Families expressed confidence that the new definition of marriage will withstand future challenges.

"This was our opponents' best shot and they blew it," he said. "This was supposed to be the most favorable legislative climate for repeal and they couldn't even get a majority."

Photo: New Hampshire's iconic "Old Man of the Mountain" formation before its collapse.



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