



Alaska State Legislature Senate Majority News

Jeff Turner, Senate Majority Press Secretary
Room 520, Anchorage LIO
Anchorage, AK 99501
Phone: 907.269.0257

Web Site: <http://www.akrepublicans.org>

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Senator Dyson Defends Alaska Marriage Amendment *Calls Supreme Court Decision Disappointing, Plans Corrective Legislation*

(Anchorage) - In an amazing opinion released today, the Alaska Supreme Court ruled that the 70% of Alaskans who approved the "Alaska Marriage Amendment" in 1998, created a cause of discrimination.

"This ruling reveals how out of touch some of our courts are with the people of Alaska," said Sen. Fred Dyson (R- Eagle River). "Similar lawsuits have challenged "Defense of Marriage Acts" in other states. The people in those states have quickly passed additional constitutional language amendments to make it clear that the courts may **NOT** confer benefits that the people, through their elected officials, do not intend to confer. We are putting together constitutional amendment language similar to that of Virginia and Ohio and plan to have it ready for the legislature's consideration by the beginning of the legislative session in early January."

"In a representative democracy, the people must be able to define basic family relationships as the U.S. Congress did over 100 years ago when they made Polygamy illegal for states entering the union. We are engaged in a great cultural war in our country with traditional family values under attack on every front. The People of Alaska drew a clear line in the sand with overwhelming support for the definition of traditional marriage in our constitution. Now I believe they will rally to support a further clarifying amendment that makes it very clear that they meant what they said and a court that is hard of hearing will not thwart them."

The lawsuit, brought by the ACLU and several gay and lesbian couples, claims that because they no longer can apply the "remedy" of getting married, they can now not apply for spousal benefits from employer benefit programs, and are thus discriminated against. The court acknowledges that heterosexual "couples" are also precluded from some benefits programs, but decided that they have a remedy by marrying. The court declined to comment on "plural" marriages where an employee may have several "intimate, committed relationships". Offering spousal benefits to same sex couples is, and always has been, an option in Alaska, but that was not enough for these plaintiffs and this court.

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