

THE MINNESOTA CONSTITUTIONAL MARRIAGE AMENDMENT

On November 8, 2012, Minnesota voters will be asked the following question:

Shall the Minnesota Constitution be amended to provide that only a union of one man and one woman shall be valid and recognized as marriage in Minnesota?

Defeat this Amendment by helping Minnesota voters understand what the Amendment says and what a "yes" or "no" vote would mean.

- A "yes" vote will enshrine prejudice in the state constitution for the first time in Minnesota history. This is contrary to the democratic principles of our country and our state.
- A "no" vote will prevent blatant discrimination from being sealed into the Minnesota Constitution. It will NOT mean that Minnesota permits same-sex marriage.¹

¹ Minnesota already prohibits the recognition of same-sex marriages. Minnesota's Defense of Marriage Act (DOMA) statutes, Minn. Stat. §§ 517.01, 517.03(b); *Baker v. Nelson*, 191 N.W.2d 185 (Minn. 1971).

WE NEED YOUR HELP
TO ENSURE THAT THIS
AMENDMENT FAILS ON
NOVEMBER 8, 2012.

JOIN THE MLBA AND
BE A PART OF CHANGE
IN MINNESOTA.

MISSION:

Our mission is to promote equality and justice in the legal profession and LGBT community in Minnesota.

VISION:

We envision a Minnesota where LGBT attorneys, clients, and community members are treated equally and without discrimination.

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Minnesota
Lavender Bar
Association



THE MINNESOTA
CONSTITUTIONAL
MARRIAGE AMENDMENT

**VOTE
NO!**

TAKE ACTION AGAINST THE AMENDMENT

- Commit to informing people about why it is so important to VOTE NO.
- Talk to Minnesotans about what the Amendment really means.
- Use the legal arguments in this brochure to educate Minnesotans that minority rights should not be determined by a majority vote in a representative democracy.
- Remember, civil rights are non-partisan.

LEGAL TALKING POINTS ON THE MINNESOTA CONSTITUTIONAL MARRIAGE AMENDMENT

CONSTITUTIONS ARE INTENDED TO PRESERVE RIGHTS, NOT TAKE THEM AWAY.

The Minnesota Constitution has 120 Amendments. None of these Amendments constrict minority rights. In the entire history of the state, prejudice and discrimination have NEVER been written into the state constitution.

MINORITY RIGHTS SHOULD NOT BE "PUT TO A VOTE" IN A REPRESENTATIVE DEMOCRACY.

Public opinion should not determine minority rights. A representative democracy is designed to protect the minority from the tyranny of the majority. Voting on minority rights is contrary to the democratic principles of our country and our state.

For example, at the time the U.S. Supreme Court struck down laws prohibiting interracial marriage, a Gallup poll found that 72% of Americans believed that interracial marriage was wrong. If the Supreme Court would have waited until a majority of Americans supported interracial marriage, it would not have been legal until 1991.

CIVIL RIGHTS CHANGE OVER TIME.

At one time in our history, women could not vote, racial segregation was mandated by law, and Native Americans were not considered citizens. The Minnesota Constitution is intended to allow legislators and judges to calibrate the law in light of new facts and circumstances because civil rights are not fixed in the past. Once a constitutional Amendment is adopted, it is nearly impossible to change.

CIVIL RIGHTS ARE NON-PARTISAN.

According to a recent Star Tribune poll, 55% of Minnesotans oppose the Amendment. For many Minnesotans, regardless of political party, marriage is a private issue and should not be subject to a majority vote.

