

PROP 8 CHALLENGE PUTS RELIGION ON TRIAL

Catholic League president Bill Donohue weighs in on the San Francisco trial where the constitutionality of Proposition 8 is being considered:

The voters in 30 states who have taken up the issue of gay marriage have voted 30-0 to affirm marriage as a union between a man and a woman; Proposition 8 did exactly that in California. Attorneys David Boies and Theodore B. Olsen, however, are contesting this issue in court.

Yesterday, the judge allowed Boies and Olsen to submit e-mails they obtained between the director of the U.S. Conference of Catholic Bishops and the bishops. Allowing such communication in a trial is unusual enough, but the purpose was even more invidious: to show that Catholics played a major role in passing Proposition 8. The lawyers did the same thing to Mormons, offering more e-mail "proof" of their involvement.

Now some will reply that it should not matter what the adherents of any religion say about public policy issues. After all, the First Amendment guarantees freedom of religion and freedom of speech. Unfortunately, this misses the point the lawyers want to make.

Their goal is not to contest the First Amendment rights of Catholics and others—their goal is to put religion on trial. What they are saying is that religious-based reasons for rejecting gay marriage are irrational, and thus do not meet the test of promoting a legitimate state interest. That is why they have trotted out professors like Gary Segura of Stanford and George Chauncey of Yale to testify to the irrationality of the pro-Proposition 8 side. Chauncey was even given the opportunity to read from a Vatican document that rejects

homosexual marriage.

Society cannot exist without families; families cannot exist without reproduction; reproduction cannot exist without a sexual union between a man and a woman; and *every society in the history of the world* has created an institution called marriage to provide for this end. In short, it is nothing but irrational to challenge such a timeless verity. No matter, what is going on in the courtroom smacks of an animus against religion.