



February 27, 2018

Representative Jonathan Kreiss-Tomkins  
Chairman, House State Affairs Committee  
State Capitol – Room 411  
Juneau, Alaska 99801

**Re: Opposition to HJR 1**

Dear Rep. Kreiss-Tomkins:

We are writing to express our opposition to House Joint Resolution 1, which proposes an amendment to the Constitution of the State of Alaska relating to marriage.

HJR 1 proposes to repeal Article I, Section 25 of the state constitution, which provides:

“To be valid or recognized in this State, a marriage may exist only between one man and one woman.”

We oppose HJR 1 as a matter of principle, but also for the practical reason that it seeks to place a question before voters that is futile. It offers no genuine debate between competing policy options, because the outcome is a preordained conclusion.

If HJR 1 were placed on the ballot and a majority of voters approved it, same-sex marriage would be permitted in Alaska. Yet if a majority of voters *rejected* HJR 1, same-sex marriage would *still* be legal in Alaska – due to the U.S. Supreme Court’s decision in *Obergefell v. Hodges* (2015). We are at a loss to understand why any legislator would want to spark a bitter public debate and consume valuable state resources to hold an election on a policy question that is, regrettably, a moot point.

By way of background, Alaska in 1998 became the first state in the nation to pass a constitutional amendment that specifically defines marriage as the union of one man and one woman, thereby precluding other unions, such as polygamy or same-sex relationships, from being recognized or defined as “marriage” under state law.

Alaska’s marriage amendment was approved by 68 percent of voters. Voters in 30 other states have approved similar amendments to their respective state constitutions.

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The *Obergefell v. Hodges* decision imposed a court-invented right to same-sex marriage on Alaska and all other states in the nation. Alaska Family Action agrees with the dissenting opinion of Chief Justice John Roberts when he wrote:

“This universal definition of marriage as the union of a man and a woman is no historical coincidence. Marriage did not come about as a result of a political movement, discovery, disease, war, religious doctrine, or any other moving force of world history – and certainly not as a result of a prehistoric decision to exclude gays and lesbians. It arose in the nature of things to meet a vital need: ensuring that children are conceived by a mother and father committed to raising them in the stable conditions of a lifelong relationship.”

Marriage between a man and a woman is the fundamental building block of society and culture. It deserves its status as a privileged institution in public policy because of the unique benefits it confers on civilization. Notwithstanding the decision of five unelected and unaccountable justices on the Supreme Court, the marriage clause in Alaska’s constitution is an important articulation of social policy based on truth, and the will of the people.

Alaska Family Action believes the appropriate response to the *Obergefell* decision is principled resistance, not acquiescence. The project of redefining marriage for everyone, by transforming it into a “genderless” institution, will not end well. Once gender differences are discarded – as if they were meaningless for defining the substance of marriage – there will no longer be any rational basis under the law for limiting the marriage union to only “two” persons, as opposed to polygamous relationships of three, four, five or more persons. When marriage is redefined to mean *anything*, it will soon come to mean *nothing*.

A future court may one day overturn *Obergefell*, at which point a genuine debate about the merits of legislation such as HJR 1 will be possible – because Alaskans will have won back their constitutional authority to decide such matters for themselves. Until such time, the Legislature would be wise to shelve HJR 1 and similar proposals.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim Minnery", with a horizontal line drawn underneath the name.

Jim Minnery, President  
Alaska Family Action