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**Subject:** NOM California Marriage News -- May 14, 2010  
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**NOM Updates**

**May 14, 2010**

Dear Jesus,

"A vote for Elena Kagan is a vote for gay marriage."

We asked you to stand up and send that message to the Senate--and boy, did you respond: over 100,000 emails swamped Capitol Hill, with more coming every day. Way to fight back! Thank you!

If you haven't sent your No on Kagan email yet, [do it right now](#).

If you have, send the message to a friend--or two or five friends--and ask for their help!

Don't let the Supreme Court take away our right to vote for marriage!

Politico, *The Hill*, and the *Baptist Press* picked up the story. The Alliance Defense Fund sent out an alert relaying our press release to thousands more.

We at NOM acted quickly because we spotted a campaign of misinformation developing suggesting that Kagan opposed a constitutional right to same-sex marriage.

The Big Lie serves a purpose, though: It tells you that behind the scenes, the politicians understand that they have to act quietly and secretly if they want to impose gay marriage. To bring out the truth is, in the eyes of the mainstream media, to commit a weird faux pas, and they are trying to distract attention from the truth--she will vote to impose gay marriage--by focusing on Kagan's personal life.

Let me be clear: Of course we are by now aware of the swirling rumors about Kagan's orientation, but we don't know anything about that, and it has nothing to do with why NOM opposes Kagan's nomination. When the *Wall Street Journal* published a front-page photo of a younger Kagan playing softball, we thought it was a nice photo that suggested it was Kagan's turn in the limelight, that she was "up at bat." (Sometimes I think the gay world imagines that the rest of us follow their culture more closely than many of us do. To me, softball is a nice sport for a girl, a tea-bag is something you put in a pot of tea and I don't really want to learn anything different.)

Why are we so certain about Kagan's vote? Three main reasons.

First, she is the number two official at the Justice Department, and the Justice Department (in a high-profile DOMA case in response to a letter by Human Rights Campaign head Joe Solmonese) filed a brief specifically repudiating the main purpose of marriage.

In your name, the Justice Department on August 17, 2009 said: "[T]he government does not contend that there are legitimate government interests in 'creating a legal structure that promotes the raising of children by both of their biological parents' or that the government's interest in 'responsible procreation' justifies Congress' decision to define marriage as a union between one man and one woman." The Justice Department baldly stated--again in your name!--"[T]he United States does not believe that DOMA is rationally related to any legitimate government interests in procreation and child-rearing."

The second reason is the extreme nature of her vision of what gay equality requires. This is public record. It is one thing to oppose Don't Ask Don't Tell. It is quite another thing to tell the military that it will not be permitted to recruit at Harvard Law School so long as it obeys federal law. The military protects us all, including gay and lesbian people at Harvard. Here's what we know for certain: As Dean of Harvard Law School, Kagan was an active supporter of a policy to reduce--to the limited extent she could--the effectiveness of the military's recruitment effort, as a "discriminatory" organization. That's an extreme commitment to what "equality" requires which suggests swallowing the idea that there's a right to gay marriage will be pretty small potatoes for Kagan.

The third reason we are so confident a vote for Kagan is a vote to impose gay marriage is that Joe Solmonese of the Human Rights Campaign believes it. His press release praising her nomination specifically mentions the "marriage equality" case coming up before the court and is thus clearly intended to reassure LGBT voters that a vote for Kagan will be a vote for imposing gay marriage on all 50 states. Believe me, Joe knows Elena Kagan a lot better than I do. If he knows enough to promise his folks that a Justice Kagan will be good for "marriage equality" that's pretty powerful testimony, especially on top of her public record.

We've gotten some criticism for taking this strong stand early. But hey Joe, if we are wrong, come out and say it: Tell your people, "I really have no idea if Kagan will vote for gay marriage, but I'm supporting her strongly anyway, and urging the whole LGBTQ community to support her too." Ain't going to happen.

In Minnesota the same kind of stealth strategy, quietly downplaying the need for a marriage amendment while building a behind-the-scenes coalition away from the voters' eyes, is now taking place.

Don't believe me? Believe the gay press. Jeremy Hopper writes, "A marriage equality bill is a reasonable possibility in Minnesota in the near future. We know it. Actual Minnesotans know it. Maggie knows it. And just like she did in California (along [with] Bishop Cordileone) when we weren't looking and in Maine when we were overconfident about our prospects, Maggie is moving into MN, building a network and infrastructure that will be five steps ahead of us, ready to fight at the ballot to take away any right that we rightfully and reasonably win in the legislature or courts."

NOM is making our opponents sit up and take notice!

Speak truth to power, in love. That's our informal motto,

A brief bit of potential good news from Maine, where our opponents lodged an ethics complaint. You may recall that the professional staff who investigated that complaint actually recommended it be dismissed for lack of evidence, but the Maine Ethics Commission, in a split vote, decided to take up the investigation anyway. Now it becomes clear why: They are on a fishing investigation.

We don't have a ruling yet, but the judge in the case sounds like he understands the real story here.

The *Kennebec Journal* reports, "Judge Appears Cool to Disclosing Names":

"'Anonymity is something you can't get back once it's lost,' said Neeley, a lawyer with Bopp, Coleson & Bostrom, an Indiana law firm.

"'There's no denying that, across this country, there has been some pretty nasty stuff going on when people exercise their rights to influence a referendum question,' he said."

Thank you again for giving us your trust--the honor of standing up for you and for your rights, as well as the rights of millions of children to grow up in a world which respects and honors their right to a mom and a dad.

Pope Benedict XVI has again powerfully affirmed the core place of marriage and life in the human and humane order. This week at Fatima he told Catholic organizations devoted to caring for society: "Initiatives aimed at protecting the essential and primary values of life, beginning at conception, and of the family based on the indissoluble marriage between a man and a woman, help to respond to some of today's most insidious and dangerous threats to the common good. Such initiatives represent, alongside numerous other forms of commitment, essential elements in the building of the civilization of love."

Until next week, semper fi!

And please pray for all of those standing on the front lines for marriage.



Faithfully,



Brian S. Brown  
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PS: NOM relies on your generosity so that we can stand up for your beliefs. Please consider whether you can give \$15, \$50 or, if God has given you the means, \$500 to [speak out for the truth about marriage](#).

#### **NOM in the News**

##### ["A Vote for Kagan Is a Vote for Gay Marriage"](#)

Maggie Gallagher  
National Review Online--The Corner  
May 10, 2010

A vote for Elena Kagan is a vote for "marriage equality," which features in two key cases that will shortly be before the Supreme Court: *Perry v. Schwarzenegger*, which arises out of California's Prop 8 but will apply to all 50 states, since it seeks to establish a federal constitutional right to gay marriage; and *Gill et al. v. Office of Personnel Management*, which seeks "only" to overturn the federal laws defining marriage as one man and one woman.

##### ["Can Politics Win a Culture War?"](#)

Maggie Gallagher  
May 11, 2010

Hunter's critique of politics cuts deeply with me. Three years ago I started a political organization, the National Organization for Marriage. On the whole, I am proud of how NOM has engaged in this fight. People fight over symbols because symbols are the stuff out of which reality is constructed.

##### ["GOP Faces Kagan Conundrum"](#)

The Hill  
May 10, 2010

The National Organization for Marriage, a group that opposes same-sex marriage, on Monday declared that a vote to confirm Kagan "will be a vote for imposing gay marriage on all 50 states."

##### ["Gay Rights Central to Kagan Fight"](#)

Politico

May 12, 2010

Within hours of Obama's announcement of Kagan as his nominee, the National Organization for Marriage sent an e-mail to supporters under the subject: "A vote for Elena Kagan as Supreme Court Justice will be a vote for imposing gay marriage on all 50 states." The group's supporters have since Monday sent over 36,000 e-mails to committee members and senators, asking them to deny Kagan's confirmation, according to Brian Brown, the executive director.

["Elena Kagan Is Obama's Not-So-Liberal Appointee"](#)

Dan Kennedy

The Guardian

May 11, 2010

The Republican National Committee, for instance, is [going after](#) Barack Obama's newest supreme court nominee because [she once called](#) the US constitution "defective" (she was referring to the fact that prior to 1865 the constitution allowed for slavery.) Anti-gay activist Maggie Gallagher is also warning that a Justice Kagan would make same-sex marriage just [shy of mandatory](#), ignoring [Kagan's own words](#) on the subject and [misconstruing a statement](#) by the Human Rights Campaign (this dovetails nicely with [rumours](#) that Kagan herself is a lesbian. Nod nod, wink wink, say no more).

["Nominee Kagan Has Record Supporting Gay Causes"](#)

Baptist Press

May 10, 2010

Brian Brown, president of the National Organization for Marriage, sent out an e-mail Monday saying "a vote for Elena Kagan is a vote to impose gay marriage on all 50 states."

["Nat'l Organization for Marriage: A Vote for Kagan Is a Vote Against Traditional Marriage"](#)

LifeSite News

May 10, 2010

"A vote for Elena Kagan as Supreme Court Justice will be a vote for imposing gay marriage on all 50 states," said Brian Brown, President of NOM, in a press release following the nomination.

["Right-Wing Convinced Kagan Will Support Gay Marriage. For Some Reason"](#)

Alex Pareene

Salon.com

May 10, 2010

But today NOM sent out a press release headlined, "A Vote For Kagan Is A Vote For Gay Marriage."

["What's With Conservatives' Fetish for the Founding Fathers?"](#)

Gabriel Winant

Salon.com

May 11, 2010

But this is just the latest in a long line of incidents in weird fetishism for the Constitution on the right. Just yesterday, the National Organization for Marriage put out a weird [statement](#) about our "beloved Constitution" -- as if it's the family golden retriever.

["Arguments Heard in Federal Law on Gay Marriages"](#)

All Headline News

May 7, 2010

The National Organization for Marriage is waging an initiative to stop efforts to repeal DOMA.

["NOM's Bombarding Minnesota--Have We Learned Enough to Care?"](#)

Good As You

April 29, 2010

A marriage equality bill is a reasonable possibility in Minnesota in the near future. We know it. Actual Minnesotans know it. Maggie knows it. And just like she did in California (along Bishop Cordileone) when we weren't looking and in Maine when we were overconfident about our prospects, Maggie is moving into MN, building a network and infrastructure that will be five steps ahead of us, ready to fight

at the ballot to take away any right that we rightfully and reasonably win in the legislature or courts. We must care just as much! We must be proactive in fighting before there even is a fight!

["Columns Discuss Influence of Birth Control Pill, Supreme Court's Rejection of Anti-Contraception Law"](#)

Medical News Today

May 7, 2010

Wetzstein writes that the pill "has wrought a profound revolution in social and sexual relations, a revolution that not everyone welcomes." For example, Jennifer Roback Morse, founder of the [Ruth Institute](#), contends that the pill gave rise to a "contraceptive ideology" that people are entitled to birth control that functions properly, Wetzstein says.

["Judge Appears Cool to Disclosing Names"](#)

Kennebec Journal

Josiah Neeley, who represents the National Organization for Marriage, told Justice Donald Marden in Kennebec County Superior Court that donors in other states have been harassed for giving money in the fight against gay marriage.

["Pingree Staffer Leaves Post for Consulting Work"](#)

Lewiston Sun-Journal

May 6, 2010

Connolly said he expects the National Organization for Marriage, a national group that provided most of the funding in the effort to repeal the same-sex marriage law, will be actively campaigning for Maine candidates in the fall.

["Methodist Laity Reform Movement: Maggie Gallagher to Speak at Iowa Marriage Day"](#)

IowaPolitics.com

May 7, 2010

Maggie Gallagher, Founder of National Organization for Marriage, will be the Keynote Speaker at Methodist Laity Reform Movement's annual meeting on Saturday, May 8, 2010. National Organization for Marriage is leading the nationwide campaign to protect marriage as a union of one man and one woman. Maggie and her book, *The Case for Marriage*, have a strong impact!

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To prevent mailbox filters from deleting mailings from Brian Brown, add [brianbrown@nationformarriage.org](mailto:brianbrown@nationformarriage.org) to your address book.

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