

*"Traditions need to be researched and revived. If traditions have been lost, then the new ones should be borrowed from other tribes to create groups of societies for gay Indians that would function in the present"*

Owlfeather  
*Living in the Spirit 1988*



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**Ken Harper**  
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**Statement of Opposition  
To the Federal Marriage Amendment**

The Bay Area American Indian Two-Spirits (BAAITS) oppose any attempt to use a constitutional amendment to the United States Constitution as a means to undo the effects of the US Supreme Court's decisions guaranteeing fundamental privacy rights, undermine the Constitution's principles of equal protection and permanently deny marriage or the legal incidents thereof to same-sex couples by defining marriage.

An amendment should be used to protect, not limit, the rights of Americans. This halt in the expansion of individual liberties would be the first time in history that the Constitution was amended to restrict the rights of a whole class of people, in conflict with its guiding principle of equal protection.

In *Lawrence v. Texas*, a case dealing with gay people, Sandra Day O'Connor stated, "Moral disapproval of a group cannot be a legitimate governmental interest under the Equal Protection Clause". Once discrimination based on belonging to a class, or group, of people is established in the Constitution, attempts may be made to justify discrimination and exclusion of other groups or classes of people by relying on interpretations of the same principle used to discriminate against same-sex couples.

The Bay Area American Indian Two-Spirits, BAAITS, is a non-partisan community-based volunteer organization composed of individuals from various Native American tribal nations across the United States. We provide forums and an environment of inclusion that is culturally relevant for Gay, Lesbian, Bisexual, Transgender and Intersex Native Americans, their families and friends. We advocate an end to inequality and discrimination that are barriers to ensuring a strong community.