

'Secret Recording' of Ted Cruz Repeats What He's Already Said

An effort Wednesday by *Politico* to continue the mainstream media attacks on U.S. Sen. Ted Cruz' credibility may have fallen short, but they may still put a dent in the Republican candidate's presidential campaign.

Two weeks ago, *The New York Times* published a report in which a small piece of a secret recording from a meeting between Cruz and potential campaign donors in Manhattan was "leaked," suggesting the senator thought Donald Trump and Dr. Ben Carson lacked the judgment to be president of the United States. The next day, a reporter for *Politico* indicated there was more damaging information in the recordings, which would soon come to light.

Instead, Mike Allen's report only reinforces what Cruz has said many times on the campaign trail regarding his views on marriage. Here is the complete exchange:

Male questioner: "Can I ask you a question? So, I'm a big supporter. And the only issue I really disagree with you about is gay marriage. And I'm curious: Given all the problems that the country's facing—like ISIS, the growth of government—how big a priority is fighting gay marriage going to be to a Cruz administration?"

Cruz: "My view on gay marriage is that I'm a constitutionalist and marriage is a question for the states. And so I think if someone wants to change the marriage laws of their state, the way to do so is convince your fellow citizens—and change them democratically, rather than five unelected judges. ... Being a constitutionalist is integral to my approach to every other issue. So that I'm very devoted to."

Same questioner: "So would you say it's like a top-three priority for you—fighting gay marriage?"

Cruz: "No. I would say defending the Constitution is a top priority. And that cuts across the whole spectrum—whether it's defending [the] First Amendment, defending religious liberty, stopping courts from making public policy issues that are left to the people. ...

"I also think the 10th Amendment of the Constitution cuts across a whole lot of issues and can bring people together. People of New York may well resolve the marriage question differently than the people of Florida or Texas or Ohio. ... That's why we have 50 states—to allow a diversity of views. And so that is a core commitment."

The recording does little to damage Cruz' credibility. As Allen notes in his report, the senator's national press secretary, Catherine Frazier, said the comments sound like something "he says all the time."

But it does serve as a reminder to evangelical voters that Cruz is seeking a 10th Amendment "states' rights" solution to the battle between traditional and same-sex marriage. In Iowa, the first state to have a say in the GOP presidential nomination process—a state in which Cruz just recently earned the front-runner title—evangelical Christians make up a large bloc of traditional Iowa Republican Caucus voters.

These same voters also likely remember how a "10th Amendment solution" worked out for them 12 years ago.

In December of 2003, a district court judge in Woodbury County—part of the Iowa "Bible Belt" in the northwest corner of the state—was tasked with deciding if two women who were granted a civil marriage in another state could be granted a divorce in a state that, at the time, didn't allow same-sex marriage. That judge ultimately allowed them to divorce.

In Iowa, judges face retention votes every 10 years, and this particular judge came up for his vote less than a year later. With the matter still fresh in the minds of voters—an overwhelming majority of whom were Christians—he survived the effort to remove him from the bench.

Same-sex marriage advocates across the country took notice—and action.

A group of same-sex couples sought marriage licenses in the Polk County, home to the state capital, Des Moines, in the few months that followed the retention vote. After they were refused—because same-sex marriage was not only not allowed, but illegal under Iowa law—they sued on the grounds their civil rights were being violated.

Just five years, almost to the day, after the Woodbury County decision, the Iowa Supreme Court hear oral arguments in *Varnum v. Brien*. The court issued its opinion four months later in a landmark decision that changed the marriage debate forever. The key piece of the unanimous court decision:

“Iowa Code section 595.2 is unconstitutional because the County has been unable to identify a constitutionally adequate justification for excluding plaintiffs from the institution of civil marriage. A new distinction based on sexual orientation would be equally suspect and difficult to square with the fundamental principles of equal protection embodied in our constitution. This record, our independent research, and the appropriate equal protection analysis do not suggest the existence of a justification for such a legislative classification that substantially furthers any governmental objective. Consequently, the language in Iowa Code section 595.2 limiting civil marriage to a man and a woman must be stricken from the statute, and the remaining statutory language must be interpreted and applied in a manner allowing gay and lesbian people full access to the institution of civil marriage.”