

# Marriage Amendment Necessary

By Rep. Marilyn Musgrave

**A**s the lead sponsor of the Federal Marriage Amendment in the House, I have spoken with Americans across the country about the importance of defending the traditional definition of marriage. I have spoken with many legal experts who agree that the traditional definition of marriage is likely doomed unless we amend the Constitution.

I have spoken with family counselors who believe that children are best raised in a home by a mother and father who are married. I have spoken with well-meaning Americans who love and respect

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all people, and certainly bare no ill will toward any particular group and yet who also revere, respect and tenaciously hold to the traditional definition of marriage.

I have been stirred to action by the 38 states that have passed defense of marriage acts, which reserve marriage as a union of a man and a woman.

Since this issue was forced on the American people, these 38 states have taken clear action to nail down our collective understanding of what constitutes marriage. The intent of the other 12 states has not changed over the past 200 years, either.

In fact, to date, not one single state has legislatively enacted gay marriage. There is no public outcry to redefine marriage.

However, we see four Supreme Court justices in Massachusetts forcing a redefinition on their body politic and forcing the rest of the nation to take notice. Since the action of this court, local officials in various states (even states with DOMAs) are blatantly ignoring the rule of law and being disrespectful of the legislative process.

Even in the three states where the legislatures have enacted statutes giving formal recognition to same-sex unions, there was no push to redefine the institution of marriage. Indeed, the entire purpose of these statutes is to avoid such a redefinition.

In Hawaii and Alaska, the people of those respective states rose up and, by a vote of more than 60 percent, amended their state constitu-



File Photo

**Rep. Marilyn Musgrave**

tions to protect marriage. In fact, in every state in which the definition of marriage has been put to a direct vote of the people, anywhere from 60 percent to 70 percent voted to preserve traditional marriage.

But activist courts are ignoring the rule of law and their duty to uphold the separation of powers doctrine. They are making a mockery of tradition and longstanding social practice. See MUSGRAVE, page B-6

**Should the Constitution be amended to define marriage?**

# Bill Would Let States Designate 'Legal Incidences'

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As a former state legislator, I respect state lawmaking. States generally deserve more, not less, power to make law. However, in this case, without effective Congressional action, we will be leaving local lawmakers with no options to preserve what every state clearly wants as their law. State and federal activist judges will not stop until a national marriage definition is legislated from the bench.

In our country, this is unacceptable. The American people deserve to have a say in this important issue.

Congress must follow through with its duty to watch developments in the states, to help pro-

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note the rule of law, and preserve our system of government with elected representatives of the people debating and crafting the laws.

This whole debate, although now necessary, was not initiated by any Member of Congress. However, many of us have come to the reluctant conclusion that the legal experts are right. The only way to preserve traditional marriage is a constitutional amendment.

Joined by a bipartisan group of Representa-

tatives, I introduced the Federal Marriage Amendment.

To date, this bill has the support of 117 Republican and Democratic co-sponsors, along with a diverse, bipartisan and multiracial group of supporters who are fighting in the defense of marriage. This group consists of leaders within the Black, Hispanic and Asian communities along with religious leaders from the Jewish, Catholic, Protestant and Muslim faiths.

First, the bill solidifies marriage as a union between one man and one woman. This is a position supported by the American people by 2-to-1.

Furthermore, under the Federal Marriage Amendment, voters and their elected state officials will continue to have (as they always have) the power to determine for themselves whether, and to what extent, relationships between same-sex couples should be formally recognized in statute. The

Federal Marriage Amendment expressly allows the designation of the "legal incidences" of marriage to state lawmakers. Inheritance, hospital visitation and other similar issues are best determined at the local level.

Lastly, my proposed amendment protects states that choose not to recognize these arrangements from being forced to do so by the courts.

Opponents of traditional marriage say that we are guilty of "writing discrimination into the Constitution." Reasonable observers would agree that such a charge is fundamentally wrong, and it distracts from the very real issue that is at hand.

To believe this is true, you would have to



Rep. Marilyn Musgrave (far right) looks on as Sen. Wayne Allard makes an announcement on the Federal Marriage Amendment.

logically assume that former President Bill Clinton was also being discriminatory when he signed the federal Defense of Marriage Act in 1996. DOMA defined marriage as a union between a man and a woman under federal law and protected states from being forced to recognize gay marriages.

The same holds true for the 150 Democrats in the House and Senate who voted for the 1996 DOMA bill. Did they act to codify discrimination? Was more than two-thirds of Congress in 1996 filled with animosity toward anyone? Absolutely not.

From what I have seen, these false charges bring members of the minority community, who truly understand discrimination, rallying to support the Federal Marriage Amendment.

Sen. Wayne Allard (R-Colo.) and I were joined at a press conference earlier this week by nearly 100 African-American men and women in support of the Federal Marriage Amendment.

If Congress does nothing, the courts will certainly redefine our definition of marriage that is more than 200 years old, without the approval or consent of the American people. The bottom line is I trust the American people and their elected representatives to help guide this great nation of ours when it comes to the most fundamental of all societal institutions: traditional marriage.

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