



# *Family* VOICE<sup>®</sup>

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## Marriage: Society's Taproot

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# Protecting Marriage for Our Nation

**T**he Bible clearly sets forth marriage — in the Old and New Testament alike — as the union between one man and one woman. It is the cornerstone and foundation of our society, and under federal law, it is still recognized only in this manner.

Twelve years ago, facing the possibility of state recognition of pseudo-marriages, Congress had the foresight to pass the Defense of Marriage Act (DOMA) by a nearly unanimous vote. DOMA clearly defined marriage, for federal purposes, as the “union of one man and one woman” and protected states under the Constitution’s Full Faith and Credit Clause from being forced to recognize a pseudo-marriage performed elsewhere.

What the homosexual activists don’t want you to know is that redefining marriage will indeed affect all Americans. It will impact laws where marital status intersects with legal rights in areas such as education, housing and employment. Faith-based organizations that do not recognize same-sex “marriage” could lose its tax exemptions. Property owned by religious institutions could lose their tax-exempt status if they don’t allow homosexuals to use the properties for “marriage” ceremonies.

When given a chance, Americans typically vote down same-sex “marriage” by healthy margins. So, in order to achieve their agenda, homosexual activists hope to win in the courts. There is a growing danger, as evidenced by what happened earlier this year in California, that activist judges will impose homosexual “marriage” on our nation and that the U.S.

Supreme Court could create a constitutional right to homosexual “marriage” through the 14th Amendment’s Equal Protection Clause.

A constitutional amendment is difficult to pass because it requires 2/3 majorities in both the House and Senate and ratification by 3/4 of the states. Therefore, CWA would support the Marriage Protection Act as an interim safeguard. The Marriage Protection Act protects DOMA from reckless federal judges who exceed their authority by preventing federal courts from hearing any case challenging the right of Congress to prescribe that the “Full Faith and Credit Clause may not be used to force a state to recognize a pseudo-marriage performed in another state. ■

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## **Five states do not have a Constitutional Amendment or a Defense of Marriage Act.**

**New Mexico**

**New York**

**New Jersey**

**Rhode Island**

**Connecticut** : State policy reads: “It is further found that the current public policy of the state of Connecticut is now limited to a marriage between a man and a woman.”

**In 1993, the Hawaii Supreme Court struck down the state marriage law, thus triggering a popular uprising that resulted in passage of a constitutional amendment giving the legislature sole power to regulate marriage.**

**Since that time, 43 other states have moved to pass either strengthened marriage laws or constitutional amendments, with three more amendments on the ballot in 2008 (California, Florida and Arizona). Below is a basic timeline on same-sex “marriage.”**

## 1999

**December 20, 1999** — the Vermont Supreme Court ruled in *Baker v. Vermont* that same-sex couples are entitled under the state Constitution to the same benefits and protections afforded by Vermont to married couples. Furthermore, they “ordered” (a form of judicial activism, as they have no standing to order anyone) the Vermont legislature to go back in session and act on their ruling.

**September 22, 1999** — California Governor Gray Davis (D) signs into law the first domestic partnership law in the country, giving same-sex couples an equivalent status as married people. This law continues to see various revisions in order to give homosexual “marriage” more legal legitimacy. The last revision was in 2003. This bill was signed by current Governor Arnold Schwarzenegger (R).

## 2000

**April 26, 2000** — As a result of the Vermont Supreme Court decision to overturn traditional marriage, Governor Howard Dean signed H.B. 847, the nation’s first civil union bill, into law. The law went into effect on July 1, 2000.

## 2004

**November 18, 2003** — Judicial activists on the Massachusetts Supreme Court gave (they actually ordered, which they had no legal authority to do) the Massachusetts legislature 180 days to “take action as it may deem appropriate.” The legislature never acted. On May 17, 2004, Governor Mitt Romney (R) ordered town clerks in the Commonwealth of Massachusetts to issue marriage licenses to same-sex couples, making it the first state in the country to do so.

## 2005

**April 20, 2005** — Connecticut Governor Jodi Rell (R) signed into law Connecticut’s civil union law, making it the second such law in the country.

## 2006

**October 25, 2006** — The Supreme Court of New Jersey ruled in *Lewis v. Harris* that the “unequal dispensation of rights and benefits to committed same-sex partners can no longer be tolerated under our State Constitution.” This was

truly judicial activism at its worst. The Harris decision gave same-sex couples the same rights, benefits and responsibilities as traditional married couples, but again, forced the legislature to codify their decision.

On December 14, 2006, the New Jersey legislature passed a bill providing for civil unions which was signed into law by Governor Jon Corzine (D) on December 21, 2006.

## 2007

**April 21, 2007** — Washington Governor Christine Gregoire (D) signed a domestic partnership law giving some rights to same-sex couples as well as unmarried couples over the age of 62.

**May 9, 2007** — Governor Ted Kulongoski (D) signed into law Oregon’s Domestic Partnership Law

**May 31, 2007** — Governor John Lynch (D) signed into law H.B. 437, New Hampshire’s Civil Union Law.

**August 30, 2007** — Polk County Judge Robert Hanson ruled as unconstitutional Iowa’s 1998 Defense of Marriage Act, which allowed marriage only between one man and one woman. Judge Hanson stayed his ruling 24 hours later until appeals were resolved, but not before one same-sex couple married under the new ruling.

## 2008

**May 15, 2008** — The Supreme Court of California struck down the state’s Defense of Marriage Act (DOMA) also known as proposition 22, which passed in 2000 with over 60 percent of the vote. The court refused to stay its decision until after the November election, thus opening the door for thousands of couples from all over the country to come to California and “get married.” California does not require, as Massachusetts does, that a couple must be residents of the state to marry.

Proposition 8, a proposed Constitutional Amendment, is the only way to override the California court’s decision and may very well be the only way to save traditional marriage.