

Christian Groups Move to Support Defense of Marriage Act

✖ In a move to protect traditional marriage, the Foundation for Moral Law and the Liberty Council are taking support for the Defense of Marriage Act (DOMA) to the appellate courts.

Passed by Congress in 1996, DOMA defines marriage as a legal union between one man and one woman for purposes of all federal laws, and provides that states need not recognize a marriage from another state if it is between persons of the same sex.

Roy Moore, former Alabama Supreme Court Chief Justice and founder of the Foundation for Moral Law, a religious liberties legal organization in Montgomery, Ala., filed an amicus curiae brief in the U.S. Court of Appeals for the 1st Circuit defending the constitutionality of DOMA last week.

“Marriage was defined by God at creation as between a man and a woman and no rhetoric or judicial gymnastics can alter that. Congress simply recognized that immutable, self-evident truth when it passed the Defense of Marriage Act,” Moore says. “When judges start attacking traditional marriage and the laws of nature, one wonders whether they ever learned the difference between boys and girls. Activist judges have been rewriting the Constitution for decades and now are attempting to destroy one of the most foundational principles of our society.”

Last year a federal district court judge in Massachusetts held that the federal definition of marriage in DOMA as “only a legal union between one man and one woman” was unconstitutional because it denied certain federal benefits to same-sex couples “married” in Massachusetts. President Obama’s

Department of Justice is defending the law in court, but has abandoned most of the arguments that support the traditional definition of marriage.

In its brief, the Foundation defended the traditional definition of marriage as given by God when He created man and woman, a definition that has been sustained throughout the common law and American law. The Foundation asserts those interests raised by Congress when it passed DOMA: supporting marriage and responsible procreation and defending traditional notions of morality. The Foundation urged the appeals court to interpret the Constitution as the framers intended instead of rewriting the Constitution to fit a radical, liberal agenda.

The Liberty Counsel also filed an Amicus Brief in support of DOMA in the 1st Circuit Court of Appeals, regarding *The Commonwealth of Massachusetts v. U.S. Department of Health and Human Services*. The brief states that the definition of marriage as the union of one man and one woman for federal purposes and law is clearly constitutional.

Liberty Counsel included a number of expert testimonies on the importance of both a mother and a father in each child's life. Sociologist David Popenoe noted that "fathers tend to stress competition, challenge, initiative, risk taking and independence. Mothers in their care-taking roles, in contrast, stress emotional security and personal safety." Popenoe continues, "While mothers provide an important flexibility and sympathy in their discipline, fathers provide ultimate predictability and consistency. Both dimensions are critical for an efficient, balanced, and human child-rearing regime."

"Natural marriage between one man and one woman forms the foundation of any civilized society," says Mathew Staver, founder of Liberty Counsel and Dean of Liberty University School of Law. "It is absurd to suggest that Massachusetts can force its distorted definition of marriage onto the federal government and then force the federal government to provide

benefits. A state cannot change the intended recipients of benefits provided for and defined under federal law. This is like the tail wagging the dog.”