

Is There a Bright Side to the DOMA and Prop. 8 Rulings?

While we are disappointed in the Supreme Court's decision to strike down part of the federal Defense of Marriage Act (DOMA), the court today did not impose the sweeping nationwide redefinition of natural marriage that was sought. Time is not on the side of those seeking to create same-sex 'marriage.' As the American people are given time to experience the actual consequences of redefining marriage, the public debate and opposition to the redefinition of natural marriage will undoubtedly intensify.

We are encouraged that the court learned from the disaster of *Roe v. Wade* and refrained from redefining marriage for the entire country. However, by striking down the federal definition of marriage in DOMA, the Court is asserting that Congress does not have the power to define the meaning of words in statutes Congress itself has enacted. This is absurd. The Defense of Marriage Act imposes no uniform definition of marriage upon the individual states. However, the states should not be able to impose varying definitions of marriage upon the federal government. The ruling that the federal government must recognize same-sex 'marriages' in states that recognize them raises as many questions as it answers. For example, what is the status of such couples under federal law if they move to another state that does not recognize their 'marriage?' This decision throws open the doors for whole new rounds of litigation.

We are disturbed that the court refused to acknowledge that the proponents of Proposition 8 have standing to defend Proposition 8. This distorts the balance of powers between the legislative, executive, and judicial branches of government. The Court's decision allows the executive branch to effectively veto any duly enacted law, simply by refusing to

defend it against a constitutional challenge. Ironically, by refusing to defend the law, California's executive branch has also denied the nation any definitive ruling on the constitutionality of defining marriage as the union of one man and one woman.

What is inevitable is that the male and female relationship will continue to be uniquely important to the future of society. The reality is that society needs children, and children need a mom and a dad. We will continue to work to restore and promote a healthy marriage culture, which will maximize the chances of a child being raised by a married mother and father," Perkins concluded.

Tony Perkins *is president of the Family Research Council.*