

ADF: The Debate Over Marriage Has Just Begun

The U.S. Supreme Court Wednesday declined to review the validity of **Proposition 8**, California's constitutional amendment protecting marriage as the union of one man and one woman.

The court said the official proponents of Proposition 8 do not have the legal authority to defend it in federal court, even though the state's governor and attorney general refused to defend it. The high court then voided a U.S. Court of Appeals for the 9th Circuit opinion striking down the amendment. Without an appellate court decision declaring the amendment unconstitutional, Proposition 8 remains the law of the land in California.

"Despite the Supreme Court's decision, the debate over marriage has only just begun," says Alliance Defending Freedom senior counsel Austin R. Nimocks, a member of the Proposition 8 legal defense team. "The court's decision does not silence the voices of Americans. **Marriage**—the union of husband and wife—will remain timeless, universal and special, particularly because children need mothers and fathers. This has been the experience of diverse cultures and faiths throughout history, including the American experience, and that will not change.

"Americans will continue advancing the truth about marriage between a man and a woman and why it matters for children, civil society and limited government," Nimocks adds.

In a dissent from the majority opinion in *Hollingsworth v. Perry*, Justice Anthony Kennedy wrote, "The essence of democracy is that the right to make law rests in the people and flows to the government, not the other way around. Freedom resides first in the people without need of a grant from

government.”

The Supreme Court also ruled Wednesday to strike down the **Defense of Marriage Act (DOMA)**.

“The Supreme Court got it wrong in saying that a state that has redefined marriage can force that definition on the federal government,” Nimocks says. “The federal government should be able to define what marriage is for federal law just as states need to be able to define what marriage is for state law. Americans should be able to continue advancing the truth about marriage between a man and a woman and why it matters for children, civil society and limited government.

“Marriage—the union of husband and wife—is timeless, universal and special, particularly because children need a mother and a father. That’s why 38 states and 94 percent of countries worldwide affirm marriage as the union of a man and a woman, just as diverse cultures and faiths have throughout history.”