

Federal Court Rules on Traditional Marriage in Hawaii

A federal court on Wednesday upheld Hawaii's **definition of marriage** as one man and one woman.

The court rejected a lawsuit that sought to tear down the state's law defining marriage as the union of one man and one woman and Hawaii's constitutional amendment that gives the legislature the power to maintain the timeless definition.

Alliance Defending Freedom (ADF) attorneys defended the law and the amendment on behalf of Hawaii Family Forum, which the court allowed to intervene in the case in April.

"This ruling affirms that protecting and strengthening marriage as the union of one man and one woman is legitimate, reasonable, and good for society," says ADF legal counsel Dale Schowengerdt. "The people of Hawaii adopted a constitutional amendment to uphold marriage, and the court rightly concluded that the democratic process shouldn't be short-circuited by judicial decree."

The three individuals who filed the suit asked the court to declare the state's constitutional amendment on marriage and the state's law defining marriage as the union of one man and one woman unconstitutional. The lawsuit also assailed Hawaii's "civil unions" law, which became effective Jan. 1, arguing that nothing less than a complete redefinition of marriage would be satisfactory.

In its order in *Jackson v. Abercrombie*, the U.S. District Court for the District of Hawaii concluded, "Throughout history and societies, marriage has been connected with

procreation and childrearing. ... It follows that it is not beyond rational speculation to conclude that fundamentally altering the definition of marriage to include same-sex unions might result in undermining the societal understanding of the link between marriage, procreation, and family structure."

"In this situation," the court continued, "to suddenly constitutionalize the issue of same-sex marriage 'would short-circuit' the legislative actions that have been taking place in Hawaii. ... Accordingly, because Hawaii's marriage laws are rationally related to legitimate government interests, they do not violate the federal Constitution."

Gov. Neil Abercrombie stated both publicly and in the lawsuit that he would not defend the state's marriage law. His attacks on the law's constitutionality prompted Hawaii Family Forum through its Alliance Defending Freedom attorneys and local counsel James Hochberg to ask the court to allow it to intervene in defense of marriage in the state.