

Obama Fails to Defend Traditional Marriage

In the latest threat to traditional marriage, the U.S. Department of Justice and President Obama are indicating they will no longer defend a key component of the federal Defense of Marriage Act.

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.

In a letter addressed to congressional leaders, Attorney General Eric Holder said Obama instructed that the defense of DOMA should be withdrawn in two pending cases: *Pedersen v. Office of Personnel Management* and *Windsor v. United States of America*. Both cases challenge Section 3 of the federal DOMA, which defines marriage as one man and one woman for purposes of federal law and federal benefits for federal employees. There are three other similar challenges pending.

"Marriage is a unifying issue in America. The federal Defense of Marriage Act reflects the reality that 90 percent of states protect marriage and that the citizens in those states believe in marriage as a union only between one man and one woman," says Alliance Defense Fund Senior Legal Counsel Austin R. Nimocks. "Tragically, the Department of Justice has chosen to appease a small—but vocal and wealthy—constituency and abandon its duty to the people."

As Nimocks sees it, today's event only confirms what has appeared to be the case in several recent lawsuits. In those defense-of-marriage cases, he says, the DOJ has undermined rather than defended DOMA.

"It's unfortunate that the administration won't defend such an important law passed with overwhelming bipartisan support," Nimocks says. "Either the House of Representatives or the Senate have the legal authority to intervene in pending lawsuits to defend the federal DOMA statute. In addition, ADF will not waver in its ongoing defense of marriage nationwide."

Matthew Staver, founder and Chairman of Liberty Counsel, called Obama's move to abandon DOMA "outrageous and unthinkable." In fact, he sees Obama's decision a betrayal of the American people. Regardless of Obama's own ideological agenda, as President, Staver says, he and his Attorney General have a duty to defend lawfully passed legislation, especially when the essence of the law has been upheld by many courts.

"Thirty states have passed marriage amendments affirming marriage as one man and one woman. Today, President Obama has abandoned his role as President of the United States and transformed his office into the President of the Divided States. He has been the most divisive president in American history," Staver says.

"He has today declared war on the American people and the fundamental values that are shared by most Americans. His radicalism resulted in the historical push-back in the 2010 elections. His radicalism today will come back around when the people respond to this betrayal in 2012. We will not allow one President and one Attorney General to toss natural marriage aside."