

Virginia Judge Ignores 'We the People,' Overturns Marriage Law

Late Thursday, another activist judge appointed by President Obama ruled against Virginia's marriage laws that affirm marriage as the union of one man and one woman, including the Virginia marriage amendment passed by the voters in 2006.

Judge Arenda Wright Allen stated in her opinion, "Our nation's uneven but dogged journey toward truer and more meaningful freedoms for our citizens has brought us continually to a deeper understanding of the first three words in our Constitution: we the people. We the People have become a broader, more diverse family than once imagined. ... We have arrived upon another moment in history when We the People become more inclusive, and our freedom more perfect."

Allen said the marriage laws perpetuated "prejudice," "stigma" and "pain." Incredibly, Allen rejected the only evidence presented in an amicus brief written by professors that marriage between a man and a woman is best for children. She stated that the Constitution declares that "all men are created equal," but that phrase comes from the Declaration of Independence, not the U.S. Constitution.

Allen rejected Liberty Counsel's request to file an amicus brief, rejected the evidence presented in the professors' amicus brief, and instead cited amicus briefs filed in another case that has nothing to do with the Virginia marriage laws and which were not filed in this case.

"This decision is outrageous and legally flawed," says Mat Staver, founder and chairman of Liberty Counsel. "Judges would be well-served to read the U.S. Constitution and not invent or rewrite it. The Constitution cannot be changed by the stroke

of a judge's pen, nor does it bow to a judge's personal ideology. The overwhelming majority of Virginia voters who make up 'we the people' voted to affirm natural marriage."

"Same-sex marriage, as a policy matter, sends the message that children do not need moms and dads," Staver continues. "There is ample evidence that children fare best when raised with a mother and a father. Same-sex marriage is not the equivalent of natural marriage. Judges should be careful to render decisions grounded in the Constitution and the rule of law. Otherwise, judges and courts will render themselves impotent when the people lose confidence in the judicial system."

The decision has been stayed pending appeal. On appeal, Liberty Counsel will file an amicus brief.