



ALLIANCE DEFENDING
FREEDOM

FOR FAITH. FOR JUSTICE.

DEFINING MARRIAGE

– DEFENDING DOMA

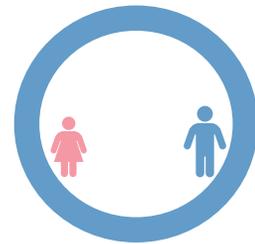
UNDERSTANDING THE ISSUE

Nobody gets “wedded” – *you get married* – because a marriage is bigger than what happens on the wedding day. Likewise, if we change the definition of marriage, we are not just talking about who gets to participate in a “wedding,” or who calls their personal commitments “weddings” and “marriages.” We are talking about society’s oldest, and most important, social institution; and changing the definition of marriage has consequences for all of society.



PERSONAL PROMISE

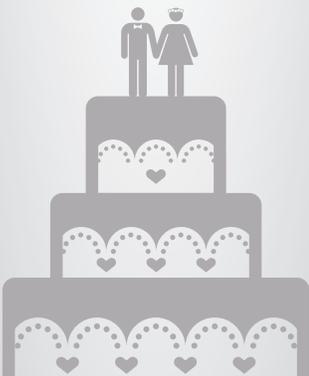
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PUBLIC PURPOSE

= MARRIAGE

- Marriage is a lifelong union of a man and a woman as husband and wife. The government cares about this personal promise between a husband and wife, because it accomplishes a unique and special public purpose – providing children with a secure social and legal attachment to both their mother and father (while also binding together the mother and father themselves).
- Not every husband and wife will have a child, but every child comes from – and deserves the parenting gifts of – a mom and a dad.
- As [Dr. Jennifer Roback Morse](#) puts it, “There are lots of inessential private reasons why people get married, or want to get married... but the essential public purpose of marriage is to attach mothers and fathers to their children and to one another.”



DOMA

THE DEFENSE OF MARRIAGE ACT (DOMA)

BACKGROUND

- The bill that would come to be known as the federal Defense of Marriage Act (DOMA) was first introduced on May 7, 1996.
- DOMA was hardly controversial: far from creating a partisan political divide, DOMA united Democrats and Republicans – passing by a bipartisan 84 percent of Congress (85-14 in the Senate, 342-67 in the House) and signed into law by President Bill Clinton on September 21, 1996.

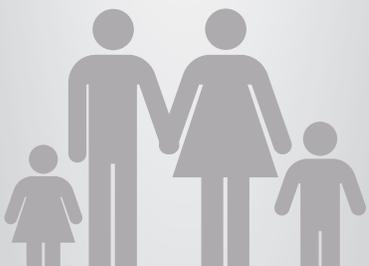
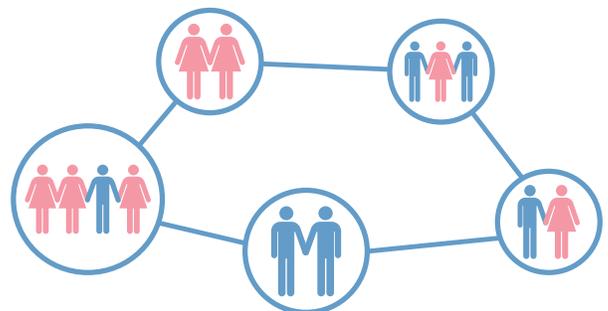
DOMA DOESN'T TELL ANYONE HOW TO LIVE, OR STOP ANYONE FROM LIVING THE WAY THEY CHOOSE.

- DOMA does not force anyone to get married or to stay married, nor does it stop anyone from holding any form of relationship celebration or ceremony.
- DOMA does not stop someone from living with whomever they choose, or visiting loved ones in the hospital. It also does not stop individuals from leaving property to anyone, or otherwise entering into legal contracts.

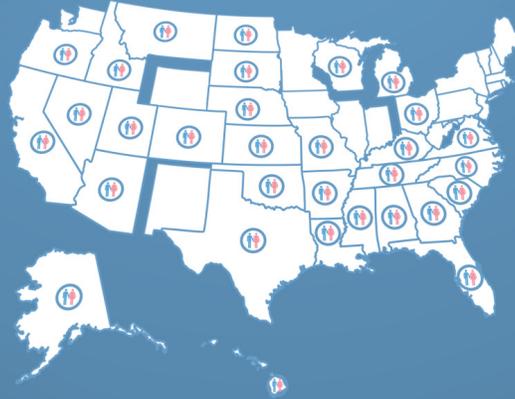
DOMA DOESN'T STOP THE INDIVIDUAL STATES FROM DEBATING MARRIAGE.

- DOMA allows individual states to debate the marriage issue, while preventing one state from forcing its definition of marriage on another state.
- DOMA supports states' rights. It protects individual states' freedom to define marriage for themselves, and affirms our national government's clear interest in determining what marriages are recognized for federal purposes (one of those national purposes would be immigration).

**DOMA
DOESN'T TELL
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HOW TO
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REAFFIRM?



REDEFINE?

SO FAR, 35 STATES HAVE DEBATED THE ISSUE OVER THE LAST 15 YEARS.

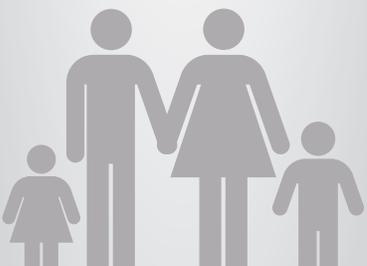
- Voters in 35 states have gone to the polls to decide the future of marriage – whether it would be reaffirmed or redefined.
- To date, 31 states voted in favor of state constitutional amendments *reaffirming* marriage between one man and one woman.

SAME-SEX “MARRIAGE” ACTIVISTS HAVE LAUNCHED LAWSUITS – A LOT OF LAWSUITS.

- To bypass the results of losing the debate among American citizens in 31 states, same-sex “marriage” activists seek to use federal and state courts to force a redefinition of marriage on everyone else. ([see map of Marriage court cases](#))
- A few of the most prominent and threatening legal attacks today include:
 - Over 20 separate lawsuits filed against federal DOMA. (Parties in several of these cases have already asked the U.S. Supreme Court to hear the case, and the High Court has agreed to hear one of these cases.)
 - An active federal lawsuit against California’s 2008 constitutional amendment protecting marriage (Proposition 8). The U.S. Supreme Court has agreed to hear this case.

UNFORTUNATELY, AT THE DIRECTION OF THE OBAMA ADMINISTRATION, THE DEPARTMENT OF JUSTICE HAS REFUSED TO DEFEND DOMA, AND NOW OPPOSES IT IN COURT.

- When federal laws are challenged in a lawsuit, Congress relies upon the Department of Justice (DOJ) to provide a robust legal defense of the law that Congress passed.
- The Department of Justice is refusing to defend DOMA in part because it has [stated](#) that children do fine with any combination of adults, and don’t necessarily need a mother and a father.



OTHER GROUPS HAVE TRIED TO [RE]DEFINE MARRIAGE

BUT MARRIAGE WINS

OTHER GROUPS HAVE REDEFINED MARRIAGE IN OTHER WAYS
– BUT ULTIMATELY OUR NATION RESTORED MARRIAGE.

Marriage (noun) the lifelong union of a man and woman as husband and ~~wife~~
wives

- Polygamists tried to redefine marriage in the 1800's, but were turned back by the U.S. Supreme Court in *Murphy v. Ramsey*

"For, certainly, no legislation can be supposed more wholesome and necessary... than that which seeks to establish it on the basis of the idea of the family, as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony; the sure foundation of all that is stable and noble in our civilization; the best guaranty of... social and political improvement." - *Murphy v. Ramsey*, 1885

Marriage (noun) the lifelong union of a man and woman as husband and wife
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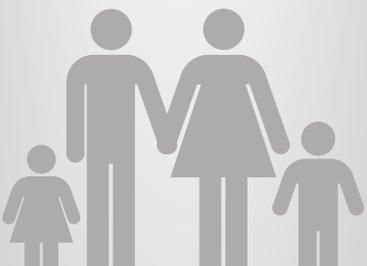
- Segregationists across the country tried to redefine marriage in the 1900's through racially-restrictive marriage laws, but the U.S. Supreme Court returned marriage to its original and natural state in *Loving v. Virginia*

"Marriage is one of the 'basic civil rights of man,' fundamental to our very existence and survival." - *Loving v. Virginia*, 1967

Marriage (noun) ~~the lifelong union of a man and woman as husband and wife~~
a combination of any two consenting adults

- Today, same-sex "marriage" activists spend millions of dollars attempting to redefine marriage completely. DOMA continues to uphold the timeless truth of the public purpose of marriage as echoed in *Murphy v. Ramsey* and *Loving v. Virginia*:

"[Society] has a deep and abiding interest in encouraging responsible procreation and child-rearing. Simply put, government has an interest in marriage because it has an interest in children." - *Congress on the Defense of Marriage Act*, 1996



HISTORY PROVES - MARRIAGE WORKS.

Below are a few samples of the social science & research that demonstrate how marriage accomplishes tremendous good for our society.

- [Marriage: What Social Science Says and Doesn't Say \(FamilyFacts.org\)](#)
- [The Facts: Why Marriage Matters \(The Economy Hits Home: Poverty\)](#)
- [Social Indicators of Marital Health & Well-Being](#)
- [162 Reasons to Marry](#)
- [Look Who's Defending Monogamy](#)

BOTH A MOTHER AND A FATHER MATTER.

Below are a few samples of the social science & research that further demonstrate how the personal promise of a husband & wife uniquely accomplishes a public purpose through marriage.

- [The New Family Structures Study \(Groundbreaking new research released June 2012\)](#)
- [Growing Up With Two Moms: The Untold Children's View](#)
- [Beyond Breadwinner: How Fathers Make a Difference in Their Children's Life Prospects](#)
- [Research On Same-Sex Parenting: Selected Differences In Child Outcomes](#)

THE BOTTOM LINE:

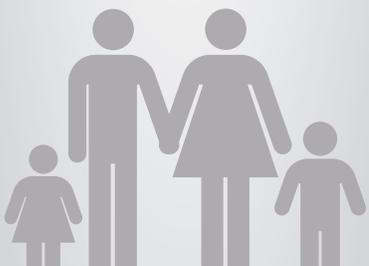
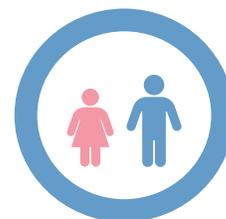
Redefining marriage undermines marriage. It is inaccurate and unfair to say that children don't need mothers and fathers. A mom and a dad each bring separate, distinct, and irreplaceable gifts and skills to the challenges of parenting. The institution of marriage has always been society's best answer to make sure as many children as possible can receive those parenting gifts.

There are other consequences that flow from redefining marriage – negative impacts on religious freedom, free speech, adoption services, child custody issues, family law, and what children are taught in schools – but undermining the public purpose of marriage is more than enough reason to protect and defend it.

This is why an important part of the Alliance Defending Freedom mission to support marriage includes defending DOMA.

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WE STRENGTHEN AND PROTECT MARRIAGE BECAUSE MARRIAGE STRENGTHENS AND PROTECTS US





NO PUBLIC PURPOSE

“THIS IS WHAT
MARRIAGE IS:”



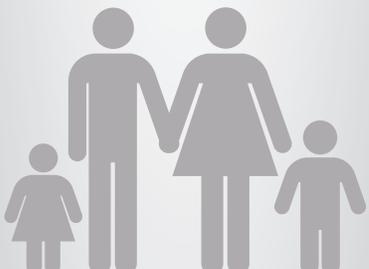
OBJECTIONS TO DOMA (AND MARRIAGE) :

“Federal law should recognize the ‘marriages’ of same-sex couples and allow them to receive federal benefits and privileges.”

- Extending federal benefits to married couples is part of the bigger picture to incentivize and reward the special public purpose that the husband-wife personal promise serves in all of society.
- The federal government has an interest in maintaining and recognizing a single definition of marriage that best serves all of society. Taxpayers cannot, and should not, be forced to support every new and different type of relationship that demands to receive special benefits (like unmarried cohabitating couples, same-sex couples, or polygamous relationships).

“Allowing two people of the same-sex to get married to each other doesn’t hurt your marriage or stop men and women from getting married.”

- This phrase, and others like it, can only make sense if one is to pretend that marriage is only about a personal promise of adults, with no unique and essential public purpose to all of society.
- Redefining marriage intrinsically undermines the public purpose of marriage by saying (legally, socially, and culturally) that both men and women – moms and dads – are not essential to children, the family, or our future.



DOMA

MARRIAGE **DEFINES** US
MARRIAGE **DESCRIBES** US