

The Federal Marriage Amendment

Amendment Text:

Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution or the constitution of any State, nor state or federal law, shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups.

Overview of Legal Impact:

The first sentence of the amendment states that marriage in the U.S. consists of the union of male and female. The second sentence ensures that the democratic process at the state level will decide the allocation of the benefits and privileges traditionally associated with marriage. State legislatures retain their existing authority to legislate in the area of marital benefits. But state and federal courts are precluded from distorting constitutional or statutory law into a requirement that marital status or the legal incidents thereof be reallocated pursuant to a judicial decree.

	Redefinition Of Marriage	Quasi Marital Schemes: "Civil Unions" "Domestic Partnerships"	Benefits Traditionally Associated With Marriage	Employee Benefits Offered by Private Businesses
Imposed By Courts (State or Federal)	Sentence 1 Prohibits	Sentence 2 Prohibits	Sentence 2 Prohibits	Unaffected
Action of State Legislature	Sentence 1 Prohibits	Decision of State Legislature	Decision of State Legislature	Unaffected

Destruction of the Legal Status of Marriage in 2003:

The Federal Marriage Amendment is an urgently needed response to the pending judicial destruction of the legal status of marriage in America. Most legal experts predict that a case now pending before the Massachusetts state Supreme Court will destroy marriage as the union of male and female in 2003. At that point, lawsuits will be filed in every state to force this destructive social revolution upon the entire nation. Since over 70% of Americans believe that marriage is uniquely the union of male and female, the American people have consistently voted to defend marriage in states such as Hawaii and Alaska.

Existing Legal Protections Are Insufficient:

1. The federal Defense of Marriage Act (DOMA) cannot prevent activist groups from overcoming public opinion and undermining marriage laws through lawsuits brought in state court in states such as Vermont and Massachusetts. And these state lawsuits are intended to lay the foundation for additional lawsuits around the country. For example, over 80% of Vermont "civil unions" involve out-of-state residents -- from every state in the nation -- who will file lawsuits to undermine marriage in their respective home states. A similar pattern can be expected to apply in Massachusetts.
2. State marriage laws and DOMA are not likely to survive if challenged in court. Although the courts may uphold the federal DOMA as it applies to federal law, they will almost certainly invalidate the section of DOMA that attempts to bar interstate transmission of same-sex "marriages." Under the established doctrine of judicial supremacy in matters of constitutional interpretation, this section of DOMA will be viewed as an unconstitutional effort to base an Act of Congress upon a purportedly authoritative interpretation of a constitutional text (the Full Faith and Credit Clause).

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