



THE FAMILY
POLICY COUNCIL
OF WEST VIRGINIA

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NEWS Release

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Federal Court in MA Undermines Definition of Marriage in WV

Federal Judge says Federal DOMA motivated by, “irrational prejudice.”

CHARLESTON, W.Va. — A federal judge voided the Federal Defense of Marriage Act (“DOMA”) last Thursday in a decision that threatens to undo West Virginia’s 2001 DOMA. According to the Family Policy Council of West Virginia (FPCWV), Thursday’s decision is the latest attempt to circumvent the democratic process and further weaken West Virginia’s commitment to marriage.

“The Constitution belongs to the people of West Virginia. One federal judge in Massachusetts – bolstered by an intentionally weak defense by the current administration – has threatened the validity of West Virginia’s DOMA,” said Jeremy Dys, president and general counsel of the FPCWV. “At a time when we ought to be strengthening and protecting marriage, there is no legitimate excuse *not* to allow West Virginians to decide the legal definition of marriage in West Virginia.”

In an opinion unprecedented in its reach, Judge Joseph L. Tauro of the Massachusetts District Court found that there was no “rational basis” to support DOMA and that for Congress to have defined marriage as limited to one man and one woman could only have been motivated by “irrational prejudice” and “animus.” Despite the justifications offered by Congress when it passed DOMA in 1996, that of providing for the public interest in procreation and childrearing, Judge Tauro declared that “defending traditional notions of morality” by DOMA is a violation of the United States Constitution.

Moreover, Judge Tauro reasoned that the principles of equal protection may preclude limiting marriage to one man and one woman. Still, Judge Tauro argued that the 10th Amendment to the Constitution does not yet preclude states from protecting the definition of marriage within individual state constitutions.

“Judge Tauro’s decision was not unexpected,” said Dys. “Just two years ago, [we warned](#) that this could happen. Clearly, as the experience of Massachusetts, Connecticut, California, Iowa, and now this Federal court demonstrate, there is a nationwide effort to redefine marriage through the courts and out of the reach of voters. Still, West Virginians want to vote on the definition of marriage. It is the job of every lawmaker to protect every West Virginian’s right to vote on this important issue.”

Earlier this year, the FPCWV collected more than 6,230 petitions that said that letting voters settle the legal definition of marriage will be a decisive factor for them on Election Day. In 2009, more than 150 churches throughout the state participated in “Stand4Marriage Sunday” organized by the FPCWV. Prior to that, in the fall of 2008, 124 pastors signed onto an open letter to Governor Manchin urging his action in defense of

marriage. In addition, at least three denominations across the State of West Virginia have passed resolutions in support of a democratic vote for marriage.

The Family Policy Council of West Virginia is a servant organization that advocates for policies that embrace the sanctity of human life, enrich marriage, and safeguard religious freedom.

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