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Archbishop defends Defense of Marriage Act

by Catholic News Service

WASHINGTON (CNS) -- The chairman of the U.S. bishops' Ad Hoc Committee for the Defense of Marriage July 12 criticized a federal judge's ruling in two Massachusetts cases that a key provision of the Defense of Marriage Act is unconstitutional.

"To claim that defining marriage as the union of one man and one woman is somehow irrational, prejudiced or even bigoted is a great disservice not only to truth but the good of the nation," Archbishop Joseph E. Kurtz of Louisville, Ky., said in a statement July 12.

"Marriage exists prior to the state and is not open to redefinition by the state," he explained. "The role of the state, instead, is to respect and reinforce marriage."

The archbishop's comments came four days after U.S. District Judge Joseph Tauro ruled that the Defense of Marriage Act is unconstitutional because it prevents the state from exercising its right to define marriage.

In the rulings, which only affect the law as it applies to Massachusetts, Tauro said the federal ban also violates the Equal Protection Clause; the plaintiffs had argued the U.S. law discriminates against spouses.

Archbishop Kurtz argued that Tauro's July 8 decision "uses the power of the state to attack the perennial definition of marriage, reducing it merely to the union of any two consenting adults."

"Only a man and a woman are capable of entering into the unique, life-giving bond of marriage, with all of its specific responsibilities. Protecting marriage as only the union of one man and one woman is not merely a legitimate, but a vital government interest," the committee chairman said.

The U.S. Conference of Catholic Bishops' Office of General Counsel described Tauro's rulings as

"mistaken" because of the unique meaning of marriage and said "nothing in the Constitution forbids Congress from defining marriage -- as that term is used in federal statutes, regulations and rulings -- as the union of one man and one woman."

The fabric of U.S. society depends on the definition of marriage as remaining unchanged, Archbishop Kurtz said. "Nothing compares to the exclusive and permanent union of husband and wife," he added.

"The state has a duty to employ the civil law to reinforce -- and, indeed, to privilege uniquely -- this vital institution of society. The reasons to support marriage by law are countless, not least to protect the unique place of husbands and wives, the indispensable role of fathers and mothers and the rights of children, who are often the most vulnerable among us," he said.

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