NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (https://www.ncronline.org)

Bill would require feds to respect state laws on traditional marriage

Catholic News Service | Jan. 14, 2014
Washington

The U.S. House should pass a bipartisan bill that would require the federal government to respect state marriage laws defining marriage as the union of one man and one woman, a U.S. archbishop said Friday.

Titled the State Marriage Defense Act, the bill "is a necessary piece of legislation that will prevent the federal government from unjustly disregarding, in certain instances, state marriage laws concerning the definition of marriage," said San Francisco Archbishop Salvatore Cordileone.

The archbishop, chairman of the U.S. Conference of Catholic Bishops' Subcommittee for the Promotion and Defense of Marriage, made the comments in a letter to U.S. Rep. Randy Weber, R-Texas, who introduced the bill Jan. 9.

Cordileone said various federal agencies now use a "place of celebration" rule to determine whether persons are validly married for purposes of federal law.

"The Supreme Court's decision last year in *U.S.* v. *Windsor*, however, requires the federal government to defer to state marriage law, not disregard it," he said.

Regarding *Windsor*, the high court ruled June 26 in a 5-4 opinion that the federal Defense of Marriage Act, defining marriage as between one man and one woman, was unconstitutional under the Equal Protection Clause.

On Aug. 29, the Internal Revenue Service and the U.S. Department of the Treasury issued guidelines regarding the impact of the *Windsor* decision for federal tax purposes. According to the memo, "spouse" is defined broadly in the ruling to include all same-sex marriages that were performed in a domestic or foreign jurisdiction having the legal authority to sanction marriages -- the "place of celebration" principle -- "without regard to the state law where the spouse is domiciled."

Cordileone said Weber's bill, which has bipartisan support, is necessary because it would require the federal government, "consistent with Windsor, to defer to the marriage law of the state in which people actually reside when determining whether they are married for purposes of federal law."

In other court action on same-sex marriage, the U.S. Supreme Court put a halt to same-sex marriages in Utah while an appeal was pending on a lower court's decision declaring the state's ban on such marriages unconstitutional.

Meanwhile, the Obama administration said it will recognize the marriages of same-sex couples who wed after a federal court lifted the ban Dec. 20 and before the U.S. Supreme Court halted such weddings Jan. 6.

U.S. District Court Judge Robert J. Shelby, in striking down Utah's voter-approved ban on same-sex marriage, argued it violated the U.S. Constitution's guarantees of equal protection and due process.

Bishop John Wester, who heads the statewide Catholic diocese of Salt Lake City, said when Shelby issued his ruling that some see it "as a joyful moment" in the debate on "the definition of marriage in our society," while the Catholic church and other supporters of traditional marriage "see it as an affront to an institution that is at once sacred and natural."

Source URL (retrieved on *08/31/2016 - 19:07*): https://www.ncronline.org/news/politics/bill-would-require-feds-respect-state-laws-traditional-marriage