Nos. 10-2204, 10-2207, and 10-2214

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

Commonwealth of Massachusetts,
Plaintiff-Appellee,
v.
United States Department of Health and Human Services, *et al.*,
Defendants-Appellants.

Dean Hara,
Plaintiff-Appellee/Cross-Appellant,
Nancy Gill, *et al.*,
Plaintiffs-Appellees,
Keith Toney; Albert Toney, III,
Plaintiffs,
v.
Office of Personnel Management, *et al.*,
Defendants-Appellants/Cross-Appellees,
Hilary Rodham Clinton,
in her official capacity as United States Secretary of State,
Defendant.

Appeals from the United States District Court for the District of Massachusetts
Civil Case Nos. 1:09-cv-11156-JLT, 1:09-cv-10309-JLT (Hon. Joseph L. Tauro)

Brief of *Amici Curiae* U.S. Conference of Catholic Bishops; National Association of Evangelicals; The Church of Jesus Christ of Latter-day Saints; The Ethics and Religious Liberty Commission of the Southern Baptist Convention; The Lutheran Church-Missouri Synod; The Union of Orthodox Jewish Congregations of America; The Massachusetts Catholic Conference; The Brethren in Christ Church; The Christian and Missionary Alliance; The Conservative Congregational Christian Conference; The Evangelical Free Church of America; The Evangelical Presbyterian Church; The International Church of the Foursquare Gospel; The International Pentecostal Holiness Church; The Missionary Church; Open Bible Churches [USA]; The United Brethren in Christ Church; The Wesleyan Church

In Support of Defendants-Appellants and in Support of Reversal

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s/ Anthony R. Picarello, Jr.
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January 27, 2011

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STATEMENT OF INTEREST OF THE *AMICI*[1]

The voices of tens of millions of Americans are represented in the broad cross-section of faith communities that join in this brief. Our theological perspectives, though often differing, converge to support the proposition that the traditional, opposite-sex definition of marriage in the civil law is not only constitutional but vital to the welfare of families, children and society. Faith communities have the deepest interest in the legal definition of marriage and in the stability and vitality of that time-honored institution. Our traditions and teachings explain, define, support, and sustain the institution of marriage, both religiously and socially. We seek to be heard—with basic fairness and accuracy—in the democratic and judicial forums where the fate of that foundational institution will be decided. Statements of interest of the individual *amici* may be found in the addendum to this brief.

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[1] This brief is filed with the written consent of all parties. *See* FED. R. APP. P. 29(a). No party's counsel authored the brief in whole or in part; no party or party's counsel contributed money intended to fund preparing or submitting the brief; and no person—other than the *amicus curiae*, its members, or its counsel—contributed money intended to fund preparing or submitting the brief.

INTRODUCTION

With the overwhelming support of the American people, the Congress of the United States enacted, and the President signed, the Defense of Marriage Act ("DOMA") to preserve the traditional definition of marriage in federal law. DOMA does not disturb state-law definitions of marriage or trench on state prerogatives over domestic relations. Indeed, one of DOMA's primary purposes (in a provision not at issue here) is to preserve the authority of each state to determine for itself the definition of marriage. Nevertheless, Congress properly has a voice in the great national debate over same-sex marriage. Although it cannot define marriage for state-law purposes, Congress certainly has the authority to define its meaning for purposes of federal law and, in so doing, to express its considered judgment about how marriage should be ordered to achieve its vital social ends. DOMA does just that.

As a statute subject to rational-basis review, DOMA is entitled to broad deference and respect from the federal courts. That standard does not allow the judiciary to second-guess Congress's moral and majoritarian judgment on a public policy matter of such fundamental importance. Yet in substance, that is precisely what the district court did. It invalidated DOMA as if it were nothing more than raw, anti-homosexual bigotry. That is inaccurate and unfair. To be sure, a few

members of Congress spoke harshly in the debate leading up to the vote. Like most, we reject any effort to disparage gays and lesbians. But the intemperate expressions of a few cannot vitiate the numerous rational bases supporting Congress's judgment that the traditional definition of marriage be preserved in federal law.

As set forth below, social science, common sense and the vast experience of these *amici* in family matters support Congress's conclusion that marriage, defined as the union of one man and one woman, is closely tied to the welfare of children, the well-being of the family, and the health of the nation. Our understanding is based not only on the teachings of our respective faith traditions, but on carefully reasoned judgments about the nature and needs of individuals (especially children) and society, and on literally millions of hours of counseling and ministry. As we affirm the dignity of homosexual persons and condemn anti-gay bigotry, we urge this Court to uphold the constitutionality of Congress's decision to preserve the traditional definition of marriage in federal law.

ARGUMENT

I. THE UNITED MORAL JUDGMENT OF CONGRESS AND THE PRESIDENT IN RETAINING THE TRADITIONAL DEFINITION OF MARRIAGE FOR FEDERAL LAW IS ENTITLED TO BROAD JUDICIAL DEFERENCE.

The central issue in this appeal is whether section 3 of the Defense of Marriage Act ("DOMA")[2] satisfies rational-basis review under the Fifth Amendment.[3] Codified at 1 U.S.C. § 7, section 3 of DOMA does nothing more than formally adopt the age-old definition of the word "marriage" for federal law:

> In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word "marriage" means only a legal union between one man and one woman as husband and wife, and the word "spouse" refers only to a person of the opposite sex who is a husband or a wife.

1 U.S.C. § 7.

Even 25 years ago this provision would have been so self-evident as to be superfluous. But that changed as the great democratic debate over same-sex

[2] Textual references to "DOMA" should be understood as "DOMA section 3."

[3] We do not address the district court's tenuous Spending Clause and Tenth Amendment holdings, except to agree with the United States that the district court's holding on these grounds is without merit. *See* Brief for the United States Department of Health and Human Servs., et al., *Commonwealth of Mass. v. United States Dep't of Health and Human Servs.* (Jan. 13, 2011) (Nos. 10-2204, 10-2207, and 10-2214), at 55-62 ("United States Brief").

marriage got underway in the 1990s and some began challenging the cultural and legal definition of marriage. In response, Congress enacted DOMA.

DOMA is a mere rule of interpretation specifying what Congress intends by the word "marriage" in its own statutes and in the rules and regulations of federal agencies. It does not regulate marriage itself or disturb state definitions of marriage. On the contrary, a key purpose of DOMA—both section 7 and its other provisions—is to ensure that states remain free to set their own marriage policies while also ensuring that no state may unilaterally define marriage for a sister state or for the federal government. *See*, *e.g.*, H.R. Rep. 104-664, at 6-10 (1996) ("House Report").

As a definition intended to control the interpretation of federal law *en masse*, DOMA is unremarkable. It resembles the definitions of the Dictionary Act, *see* 1 U.S.C. § 1, that the Supreme Court has followed carefully to ensure adherence to congressional intent. *See*, *e.g.*, *Rowland v. California Men's Colony*, 506 U.S. 194, 199-201 (1993) (determining whether "person" includes associations).

A. The Controlling Rational-Basis Standard Entitles DOMA to Maximum Judicial Deference.

Plaintiffs' attack on DOMA merits only rational-basis review. DOMA neither infringes a fundamental right nor discriminates against a suspect class and thus must be accorded the broadest judicial deference. *See Heller v. Doe*, 509 U.S.

312, 319-320 (1993). Every appellate court decision, both state and federal, to address the validity of traditional opposite-sex marriage laws under the federal Constitution has reviewed (and upheld) them under rational-basis review. *See*, *e.g.*, *Citizens for Equal Prot. v. Bruning*, 455 F.3d 859, 867 (8th Cir. 2006); *Baker v. Nelson*, 191 N.W.2d 185, 186 (Minn. 1971); *see also Baker v. Nelson*, 409 U.S. 810 (1972) (dismissing appeal seeking to establish right of same-sex marriage for want of a substantial federal question).

When attacking an act of Congress, the hurdle of rational-basis review is almost insurmountable. That standard is a "paradigm of judicial restraint," *FCC v. Beach Commc'ns, Inc.*, 508 U.S. 307, 315 (1993), that forbids "the judiciary [to] sit as a superlegislature to judge the wisdom or desirability of legislative policy determinations," *New Orleans v. Dukes*, 427 U.S. 297, 303 (1976) (per curiam). It presumes legislation is valid and burdens the plaintiff with eliminating every conceivable rational reason—whether Congress thought of it or not—that might support it. *Beach Commc'ns*, 508 U.S. at 315 ("[T]hose attacking the rationality of the legislative classification have the burden 'to negative every conceivable basis which might support it.'") (citation omitted).

Contrary to the court below, the Supreme Court's decision in *Lawrence v. Texas*, 539 U.S. 558 (2003), did nothing to change the standard in cases

challenging the traditional definition of marriage. As this Court recently held, "*Lawrence* did not identify a protected liberty interest in all forms and manner of sexual intimacy. ***Lawrence* recognized only a narrowly defined liberty interest in adult consensual sexual intimacy in the confines of one's home and one's own private life.**" *Cook v. Gates*, 528 F.3d 42, 56 (1st Cir. 2008) (citing *Lawrence*, 539 U.S. at 567) (emphasis added). *Lawrence* did not recognize either a fundamental right to same-sex marriage or a right to federal recognition of a state-sanctioned same-sex marriage. Likewise, this Court has joined with its "sister circuits in declining to read [the Supreme Court's decision in *Romer v. Evans*, 517 U.S. 620 (1996)] as recognizing homosexuals as a suspect class for equal protection purposes." *Id.* at 61.

DOMA also merits special deference because of its subject matter. This is no mere commercial legislation adjusting the benefits and burdens of economic life following the ordinary horse trading of congressional legislation. DOMA reflects the united judgment of Congress and the President on a matter of basic public policy. It was enacted by an overwhelming, bipartisan majority of 85 votes in the Senate and 342 votes in the House of Representatives.[4] Not only did President

[4] *See* official online vote counts in the Senate and House, *available at* http://www.senate.gov/legislative/LIS/ roll_call_lists/roll_call_vote_cfm.cfm? congress=104&session=2&vote=00280; http://clerk.house.gov/evs/1996/roll316.xml.

Clinton sign DOMA into law,[5] but the U.S. Department of Justice twice opined that DOMA is constitutional.[6] The Supreme Court has instructed that "[w]hen this Court is asked to invalidate a statutory provision that has been approved by both Houses of the Congress and signed by the President, particularly an Act of Congress that confronts a deeply vexing national problem, it should only do so for the most compelling constitutional reasons." *Clinton v. City of New York*, 524 U.S. 417, 447 n.42 (1995) (citation omitted). DOMA is entitled to judicial respect because it fits this description exactly.

DOMA likewise merits deference because it reflects Congress's fact-finding authority. Congressional findings are accorded deference, both because of Congress's greater institutional competence with regard to fact-finding in areas of public policy and "out of respect for its authority to exercise the legislative power … lest [courts] infringe on traditional legislative authority." *Turner Broad. Sys., Inc. v. FCC*, 520 U.S. 180, 196 (1997); *see* U.S. Const. Art. I, § 1 ("All legislative Powers herein granted shall be vested in a Congress of the United States.").

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[5] Statement on Same-Gender Marriage, 2 Pub. Papers 1635 (Sep. 20, 1996).

[6] Letter from Andrew Fois, Asst. Attorney General, to Rep. Henry J. Hyde, May 14, 1996 ("The Department of Justice believes that H.R. 3396 would be sustained as constitutional …."), *reprinted in* House Report at 34; Letter from Ann M. Harkins, for Andrew Fois, Asst. Attorney General, to Rep. Charles T. Canady, May 29, 1996 ("The Administration continues to believe that H.R. 3396 would be sustained as constitutional if challenged in court, and that it does not raise any legal issues that necessitate further comment by the Department."), *reprinted in id.*

Congress's finding that "civil society has an interest in maintaining and protecting the institution of heterosexual marriage because it has a deep and abiding interest in encouraging responsible procreation and child-rearing" is thus entitled to deference. House Report at 13.

Given the breadth of deference due, it is little wonder that federal courts rarely strike down acts of Congress under rational-basis review. It appears that not since *Jimenez v. Weinberger*, 417 U.S. 628 (1974), has the Supreme Court done so. Nothing about DOMA makes it a candidate to join this small and discredited category of laws.

B. The District Court Erred in Rejecting DOMA Because It Reflects Moral Judgments Regarding Traditional Marriage.

The district court's dismissive opinion evinces none of the judicial respect due congressional legislation under rational-basis review. The court brushed aside Congress's concerns and policy judgments about the importance of sustaining traditional marriage, as if recent support for the novel experiment of same-sex marriage were self-evidently correct and any opposition bespoke animus against homosexuals. It even gave short shrift to the Administration's (unduly) narrow defense of DOMA as a way of maintaining an orderly status quo at the federal level while marriage law at the state level evolves.

The district court's misapplication of the rational-basis test arose from two erroneous propositions: (1) that under rational-basis review "the Constitution [does not] allow Congress to sustain DOMA by reference to the objective of defending traditional notions of morality," Doc. 70, at 26; *see also id.* at 26 n.114, and (2) that DOMA was in fact based solely on traditional morality. The second proposition is wrong as a factual matter, as demonstrated in Part II below, while the first rests on a misreading of the Supreme Court's decisions in *Lawrence* and *Romer* that contradicts this Court's extensive review of those opinions in *Cook v. Gates*, 528 F.3d 42 (1st Cir. 2008).

The district court's holding that morality cannot be the primary basis for legislation under rational-basis review is simply incorrect. As this Court noted while parsing *Lawrence* and *Romer*, "[i]t is well established that a 'legislature [can] legitimately act ... to protect the societal interest in order and morality.'" *Id.* at 52 (quoting *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560, 569 (1991)).

In *Cook*, this Court explained that "if *Lawrence* had applied traditional rational basis review" to the Texas law criminalizing homosexual sodomy, then "the convictions under the Texas statute would have been sustained" because under rational-basis review the "governmental interest in prohibiting immoral conduct" is sufficient. 528 F.3d at 52. "Thus, *Lawrence*'s holding can only be squared with

the Supreme Court's acknowledgment of morality as a rational basis by concluding that a protected liberty interest was at stake, and therefore a rational basis for the law was not sufficient." *Id.* at 53. This Court carefully described that "protected liberty interest" as "adult consensual sexual intimacy in the confines of one's home and one's own private life." *Id.* at 56. In short, *Lawrence* guarantees some heightened protection (how much is unclear, *see id.* at 52) against governmental regulation of "private, consensual sexual intimacy." *Id.* But it does not call into question governmental protection or promotion of morality as an appropriate basis of legislation under rational-basis review. And *Lawrence* specifically disclaimed any effort to extend its reasoning to governmental recognition of same-sex relationships. *Lawrence*, 539 U.S. at 578 (the Court's decision did "not involve whether the government must give formal recognition to any relationship that homosexual persons may seek to enter").

This Court's reading of *Romer* was similarly narrow and demonstrates that *Romer* does not undermine Congress's ability to pass legislation based on traditional morality:

> The ground for decision [in *Romer*] was the notion that where "a law is challenged as a denial of equal protection, and all that the government can come up with in defense of the law is that the people who are hurt by it happen to be irrationally hated or irrationally feared, ... it is difficult to argue that the law is rational if 'rational' in

> this setting is to mean anything more than democratic preference." *Milner v. Apfel*, 148 F.3d 812, 817 (7th Cir.1998) (Posner, J.).

Cook, 528 F.3d at 61. The Supreme Court construed the law in *Romer* as rendering homosexuals "a stranger" to Colorado's laws by withdrawing from them "specific legal protection from the injuries caused by discrimination" and "impos[ing] a special disability" on them when seeking such protection. *Romer*, 517 U.S. at 635, 627, 631. The Court found the law alien to our democratic system and that it could be explained only by irrational, anti-homosexual animus. But like *Lawrence*, *Romer* had nothing to do with officially recognizing, reinforcing, or subsidizing same-sex relationships, or with the general validity of moral precepts as a basis for legislation. And in contrast with the unprecedented citizens' initiative in *Romer*, laws limiting marriage to the traditional definition were, until recently, ubiquitous and remain the norm in the United States. The district court's selective quotations from *Lawrence* and *Romer* do not justify its cavalier rejection of Congress's interest in "defending traditional notions of morality." House Report at 33. Neither case remotely suggests that legislation is invalid or even suspect if, like DOMA, it rests in part on moral premises.

Indeed, the very notion is absurd. Nearly all legislation involves moral judgments. *Dandridge v. Williams*, 397 U.S. 471, 487 (1970) ("[c]onflicting claims of morality and intelligence are raised by opponents and proponents of

almost every [legislative] measure."). The great legislative debates of the past century—from business and labor regulations, to civil rights legislation, to environmentalism, to military spending, to universal health care, etc.—centered on contested questions of morality. The same is true of our current democratic conversation about the definition and purpose of marriage, which the Supreme Court long ago recognized as having "more to do with the morals and civilization of a people than any other institution." *Maynard v. Hill*, 125 U.S. 190, 205 (1888). DOMA is not subject to greater scrutiny merely because it was strongly influenced by moral judgments that some deem wrong. *Cf. Gonzales v. Carhart*, 550 U.S. 124, 158 (2007) (Kennedy, J.) ("Congress could nonetheless conclude that the type of abortion proscribed by the Act requires specific regulation because it implicates additional ethical and moral concerns that justify a special prohibition.").

Striking down DOMA would not remove morality from the marriage debate. But it would disenfranchise millions of Americans who take one side of that debate while privileging those with the opposing view. *See Turner v. Safley*, 482 U.S. 78, 96 (1987) (recognizing deeply held views on marriage). DOMA cannot be constitutionally suspect merely because the traditional definition of marriage finds support in certain religious beliefs. *See McGowan v. Maryland*, 366 U.S. 420, 442 (1961). As the Supreme Court explained, "[t]hat the Judaeo-

Christian religions oppose stealing does not mean that a State or the Federal Government may not … enact laws prohibiting larceny." *Harris v. McRae*, 448 U.S. 297, 319 (1980). It is no more objectionable for people of faith and their elected representatives to be influenced by their deeply held religious and moral beliefs when making decisions about important matters of public policy than for others to rely on their deeply held secular beliefs. *McDaniel v. Paty*, 435 U.S. 618, 641 (1978) (Brennan, J., concurring in the judgment) ("Religionists no less than members of any other group enjoy the full measure of protection afforded speech, association, and political activity generally.").

In its haste to repudiate traditional morality as a rational basis for DOMA, the district court missed an additional reason for sustaining DOMA on morality-related grounds. DOMA may be viewed as a form of governmental speech that expresses and affirms the traditional conception of marriage. "A government entity has the right to 'speak for itself' and is 'entitled to say what it wishes.'" *Pleasant Grove City v. Summum*, 129 S. Ct. 1125, 1131 (2009) (citations omitted). The government's authority to deliver its own message permits it to "take legitimate and appropriate steps to ensure that its message is neither garbled nor distorted." *Rosenberger v. Rector and Visitors of Univ. of Virginia*, 515 U.S. 819, 833 (1995) (discussing *Rust v. Sullivan*, 500 U.S. 173, 196-200 (1991)).

Viewed from this perspective, DOMA serves to maintain the integrity of the federal government's message of support for the traditional marital union. Congress could reasonably conclude that the ability of marriage to promote responsible procreation and child rearing—an unquestionably legitimate governmental interest—has some rational relationship to the legal definition of marriage as a man-woman union. For tens of millions of Americans, the very idea and power of marriage—and a core reason it remains a compelling institution—are inextricably linked to its association with the love of a man and a woman. Replacing the established definition with the genderless idea of "any two committed adults"—one that treats gender and any possibility of reproduction as irrelevant or not central to marriage—would profoundly disrupt the government's message and weaken its power to promote vital social ends. It would place the imprimatur of the federal government on a conception of marriage that Congress does not intend to reinforce or privilege. DOMA serves the legitimate governmental purpose of protecting from distortion (particularly by potential variations in state law) Congress's long-standing message that the union of a man and a woman is the primary building block of society.

At the end of the day, properly applying the rational-basis standard is about giving the democratic and political processes adequate breathing room.

> Time and again … [the Supreme Court] has made clear in the rational-basis context that the "Constitution presumes that, absent some reason to infer antipathy, even improvident decisions will eventually be rectified by the democratic process and that judicial intervention is generally unwarranted no matter how unwisely we may think a political branch has acted."

Nordlinger v. Hahn, 505 U.S. 1, 17-18 (1992) (citation omitted). Until the national democratic conversation on the meaning of marriage is resolved through the many political and social processes now at work in the states and in the federal government, this Court should allow "this debate to continue, as it should in a democratic society." *Washington v. Glucksberg*, 521 U.S. 702, 735 (1997).

II. SECULAR AND RELIGIOUS AUTHORITIES FURNISH NUMEROUS RATIONAL GROUNDS FOR DOMA'S DEFINITION OF MARRIAGE.

A. Secular Authorities Affirm the Government's Legitimate Interests in Supporting Traditional Marriage.

When enacting DOMA, Congress explained the profound interest society has in preserving traditional marriage:

> At bottom, civil society has an interest in maintaining and protecting the institution of heterosexual marriage because it 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.

House Report at 13. Congress thus identified "responsible procreation and child rearing" as a legitimate interest served by DOMA. Although the Administration shies away from defending DOMA on this ground, *see* United States Brief at 29, it

nonetheless merits this Court's full consideration.

Congress's judgment that traditional marriage protects children is supported by a long line of eminent thinkers and scholars from relevant academic fields over the past three centuries. *See*, *e.g.*, JOHN LOCKE, THE SECOND TREATISE OF GOVERNMENT § 78 (Peter Laslett ed., 1988) (1690) (the purpose of marriage is "the continuation of the species" and "this conjunction betwixt male and female ought to last, even after procreation, so long as is necessary to the nourishment and support of the young ones … who are to be sustained by those that got them, till they are able to shift and provide for themselves."); WILLIAM BLACKSTONE, 1 COMMENTARIES *422 (marriage is "founded in nature, but modified by civil society: the one directing man to continue and multiply his species, the other prescribing the manner in which that natural impulse must be confined and regulated" and the parent-child relationship is "consequential to that of marriage, being its principal end and design: and it is by virtue of this relation that infants are protected, maintained, and educated"); NOAH WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1st ed. 1828) (marriage "was instituted … for the purpose of preventing the promiscuous intercourse of the sexes, for promoting domestic felicity, and for securing the maintenance and education of children"); JOEL PRENTISS BISHOP, COMMENTARIES ON THE LAW OF

MARRIAGE & DIVORCE § 39 (1852) ("The husband is under obligation to support his wife; so is he to support his children. The obligation in neither case is one of contract, but of law. The relation of parent and child equally with that of husband and wife, from which the former relation proceeds, is a civil status."); BERTRAND RUSSELL, MARRIAGE & MORALS 77, 156 (Liveright Paperbound Ed., 1970) ("But for children, there would be no need for any institution concerned with sex…. [For] it is through children alone that sexual relations become of importance to society."); BRONISLAW MALINOWSKI, SEX, CULTURE, AND MYTH 11 (1962) ("[T]he institution of marriage is primarily determined by the needs of the offspring, by the dependence of the children upon their parents …."); G. ROBINA QUALE, A HISTORY OF MARRIAGE SYSTEMS 2 (1988) ("Through marriage, children can be assured of being born to both a man and a woman who will care for them as they mature."); JAMES Q. WILSON, THE MARRIAGE PROBLEM 41 (2002) ("Marriage is a socially arranged solution for the problem of getting people to stay together and care for children that the mere desire for children, and the sex that makes children possible, does not solve."); W. BRADFORD WILCOX, ET AL., EDS., WHY MARRIAGE MATTERS 15 (2d ed. 2005) ("As a virtually universal human idea, marriage is about regulating the reproduction of children, families, and society.").

This long-prevailing view of marriage was aptly summarized by the

preeminent sociologist Kingsley Davis: "The genius of the family system is that, through it, the society normally holds the biological parents responsible for each other and for their offspring." *The Meaning & Significance of Marriage in Contemporary Society* 7-8, *in* CONTEMPORARY MARRIAGE: COMPARATIVE PERSPECTIVES ON A CHANGING INSTITUTION (Kingsley Davis, ed. 1985).

Social science has confirmed the common-sense, cultural understanding that children benefit when they are raised in a stable family by the biological couple who brought them into this world.[7] "[R]esearch clearly demonstrates that family structure matters for children, and the family structure that helps children the most is a family headed by two biological parents in a low-conflict marriage." KRISTEN ANDERSON MOORE, ET AL., MARRIAGE FROM A CHILD'S PERSPECTIVE, CHILD TRENDS RESEARCH BRIEF 6 (June 2002). These benefits appear to flow in substantial part from the biological connection shared by a child with both his mother and father. *See id.* at 1-2 ("[I]t is not simply the presence of two parents, … but the presence of *two biological parents* that seems to support children's development.").

[7] Although the Administration cites a few studies for its view that "children raised by gay and lesbian parents are as likely to be well-adjusted as children raised by heterosexual parents," United States Brief at 29-30 (footnote omitted), those studies do not reflect a professional consensus—as demonstrated by the authorities we discuss herein.

Research rebuts the suggestion that either fathers or mothers are unnecessary for effective childrearing. "[T]here are strong theoretical reasons for believing that both fathers and mothers are important, and the huge amount of evidence of relatively poor average outcomes among fatherless children makes it seem unlikely that these outcomes are solely the result of the correlates of fatherlessness and not of fatherlessness itself." Norval D. Glenn, *The Struggle for Same-Sex Marriage*, 41 SOC'Y 27 (2004). Other experts agree. *See*, *e.g.*, DAVID POPENOE, LIFE WITHOUT FATHER: COMPELLING NEW EVIDENCE THAT FATHERHOOD & MARRIAGE ARE INDISPENSABLE FOR THE GOOD OF CHILDREN & SOCIETY 146 (1996) ("The burden of social science evidence supports the idea that gender-differentiated parenting is important for human development and that the contribution of fathers to childrearing is unique and irreplaceable."); JAMES Q. WILSON, THE MARRIAGE PROBLEM 169 (2002) ("The weight of scientific evidence seems clearly to support the view that fathers matter.").

Conversely, when procreation and child-rearing take place outside stable, biological family units, children may suffer:

> Children in single-parent families, children born to unmarried mothers, and children in stepfamilies or cohabiting relationships face higher risks of poor outcomes than do children in intact families headed by two biological parents. Parental divorce is also linked to a range of poorer academic and behavioral outcomes among children. There is thus value for children in promoting strong, stable marriages

between biological parents.

MOORE, MARRIAGE FROM A CHILD'S PERSPECTIVE, at 6.

Upsetting the settled definition of marriage by adopting an untested genderless definition carries risks for children parented by same-sex couples. A diverse group of 70 prominent scholars recently concluded that "no one can definitively say at this point how children are being affected by being reared by same-sex couples." WITHERSPOON INSTITUTE, MARRIAGE AND THE PUBLIC GOOD: TEN PRINCIPLES 18 (2008). Given what we know about the adverse effects of fatherless parenting, encouraging more same-sex parenting may well increase negative outcomes for increasingly large numbers of children.

More broadly, altering the definition of marriage threatens to dilute its power to carry out its vital social function. Traditional marriage is much more than a legal construct. It embodies a rich set of social, cultural, and (for most) religious understandings and images that serve to channel procreative heterosexual couples into enduring marital unions for the benefit of children, among other reasons. *See* Carl E. Schneider, *The Channeling Function in Family Law*, 20 HOFSTRA L. REV. 495, 498 (1992). There is no evidence that widespread adoption of a genderless definition of marriage would have that same power. In the wake of changes like

the sexual revolution and no-fault divorce, no one can deny that social and legal incentives are closely linked to child welfare.

Whether Congress had these precise considerations in mind when enacting DOMA is irrelevant. The weight of these secular authorities prevents the Plaintiffs-Appellees from meeting their heavy burden "'to negative ***every*** conceivable basis which might support [DOMA].'" *Beach Commc'ns*, 508 U.S. at 315 (emphasis added). One cannot fairly say that the statute lacks "any reasonably conceivable state of facts that could provide a rational basis for the classification." *Id.* at 313.

B. Based on Long Experience Serving Families and Individuals, Our Religious Communities Have Numerous Secular Reasons to Support the Traditional Definition of Marriage.

Although our faith communities have embedded marriage in rich religious narratives, our support for traditional marriage is not based on exclusively spiritual grounds.[8] We have numerous secular and empirical reasons for supporting the

[8] Some have sought to dismiss the perspectives of faith communities as improper because they are informed by religious beliefs. *See* Margaret Somerville, *What About Children?*, *in* DIVORCING MARRIAGE: UNVEILING THE DANGERS IN CANADA'S NEW SOCIAL EXPERIMENT 70-71 (2004) ("One strategy used by same-sex marriage advocates is to label all people who oppose same-sex marriage as doing so for religious or moral reasons in order to dismiss them and their arguments as irrelevant to public policy. [Further,] good secular reasons to oppose same-sex marriage are re-characterized as religious or as based on personal morality and, therefore, as not applicable at a society level."). These *amici* indeed

traditional definition of marriage. Our own long experience confirms that children fare best when raised by caring biological parents who have the biggest stake in their well-being and who can provide both male and female role models. We are concerned about the happiness and welfare of our members, especially our member children. Through millions of hours of counseling and other ministry over literally centuries, we have seen at close range the enormous benefits that traditional male-female marriage imparts. We have also witnessed the substantial adverse consequences for children, parents, and civil society that often flow from alternative household arrangements. For these *amici*, such effects are not impersonal statistics. Our faith communities are intimately familiar with the personal tragedies so often associated with fatherless and motherless parenting and family disintegration.

As religious institutions, we also uniquely understand the power of symbols, words, and definitions. Law is a civics teacher. *See generally* MARY ANN

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assign religious meanings to marriage, and it is constitutionally appropriate that religious viewpoints be heard in public policy debates. *Walz v. Tax Comm'n of City of New York*, 397 U.S. 664, 670 (1970) ("Of course, churches as much as secular bodies and private citizens have [the] right [to take positions on public issues]."). But *amici's* support for DOMA is not only about religious belief. Our submission is rooted in historical and sociological facts about what marriage has always been across time and cultures (and why), and on venerable legal doctrines that caution against courts removing fundamental policy decisions from the democratic process. Our arguments, in short, are based on public reasons and political values implicit in our political culture.

GLENDON, ABORTION AND DIVORCE IN WESTERN LAW: AMERICAN FAILURES, EUROPEAN CHALLENGES 7-8 (1987) ("[L]aw is not just an ingenious collection of devices to avoid or adjust disputes and to advance this or that interest, but also a way that society makes sense of things."). Those who advocate same-sex marriage seek to replace the male-female definition of marriage with a genderless definition. That momentous change in its nature and symbolism would have profound consequences. It would transform the official meaning, imagery, and purpose of marriage from an age-old institution centered on uniting men and women for the bearing and rearing of children to a new institution centered on affirming and facilitating intimate adult relationships. Lost will be the social understanding that marriage is special because of the children it often generates and because it provides those children with the mother and father they need for optimal childhood development. Whatever the choices of individual couples, children will no longer be central to the purpose and meaning of marriage. The powerful imagery of marriage will change as two adults, regardless of gender, occupy center stage, rather than exclusively a man and a woman. Profound and intractable tensions will arise between civil and religious understandings of marriage, fracturing a centuries-old consensus and turning what is now a point of social unity into a source of conflict.

Whether or not one agrees with such changes, and others we cannot know from our current vantage point, one cannot pretend they will not occur if marriage is redefined or that they don't matter:

> One may see these kinds of social consequences of legal change as good, or as questionable, or as both. But to argue that these kinds of cultural effects of law do not exist, and need not be taken into account when contemplating major changes in family law, is to demonstrate a fundamental lack of intellectual seriousness about the power of law in American society.

INSTITUTE FOR AMERICAN VALUES, MARRIAGE AND THE LAW: A STATEMENT OF PRINCIPLES 26 (2006). The question is, who decides? In a representative democracy, that authority lies with the political branches, not the judiciary.

For all these reasons, Congress's policy decision to reinforce the long-standing definition of marriage through the modest means of DOMA is eminently reasonable and entitled to this Court's deference.

III. SUPPORT FOR TRADITIONAL MARRIAGE CANNOT BE REDUCED TO ANIMUS AGAINST HOMOSEXUALS.

A. Our Religious Communities Cherish Rich Beliefs About the Virtues of Traditional Marriage Distinct from Beliefs About Homosexuality.

We close with important clarifications. The district court ruled that "it is only irrational prejudice that motivates" DOMA's definition of marriage. Doc. 70, at 38. That is simply untrue. As supporters of DOMA, our deepest convictions about marriage are quite distinct from our beliefs concerning homosexuality, and it

is false and unfair to marginalize those convictions by portraying them as "irrational prejudice."

Our faith communities and other religious organizations have a long and vibrant history of upholding traditional marriage for reasons that have little to do with homosexuality. Indeed, our support for traditional marriage precedes by centuries the very notion of homosexuality as a recognized sexual orientation, not to mention the recent movement for same-sex marriage. Many of this nation's prominent faith traditions have rich religious narratives that describe and extol the personal, familial, and social virtues of traditional marriage while mentioning homosexuality barely, if at all. A few examples illustrate the point.

The Catholic Tradition. In the Catholic faith, marriage is at once profoundly spiritual—personally instituted as a sacrament by Jesus Christ himself—and yet also indispensable to the good of society. *See Catechism of the Catholic Church* (2d ed. 1994) (hereafter "*Catechism*"), §1601. "The well-being of the individual person and of both human and Christian society is closely bound up with the healthy state of conjugal and family life." *Id.*

The Catholic bishops of the United States recently reaffirmed some of the benefits of the time-tested understanding of marriage in a pastoral letter:

> Marriage is not merely a private institution, however. It is the foundation for the family, where children learn the values and virtues

> that will make good Christians as well as good citizens. The importance of marriage for children and for the upbringing of the next generation highlights the importance of marriage for all society.

Pastoral Letter, "Marriage: Love and Life in the Divine Plan" (Nov. 17, 2009) 7-8 ("Pastoral Letter"), *available at* http://www.usccb.org/loveandlife/Marriage FINAL.pdf.

The Catholic Church teaches that marriage is oriented toward two fundamental purposes: namely, the good of the spouses and the procreation of children. Pastoral Letter, at 11. When joined in marriage, a man and woman uniquely complement one another spiritually, emotionally, psychologically, and physically. The sexual difference of husband and wife makes it possible for them to unite in a one-flesh union capable of participating in God's creative action through the generation of new human life. *Id*.

The Evangelical Protestant Tradition. For five centuries the various denominational voices of Protestantism have taught marriage from a biblical view focused on uniting a man and woman in a divinely sanctioned companionship for the procreation and rearing of children. A contemporary biblical commentary, widely used by Evangelical Protestants, teaches that marriage is a social institution of divine origin:

> Marriage is the fundamental institution of all human society. It was established by God at creation, when God created the first human

> beings as "male and female" (Gen. 1:27) and then said to them, "Be fruitful and multiply and fill the earth" (Gen. 1:28).
>
> . . . .
>
> Some kind of public commitment is also necessary to a marriage, for a society must know to treat a couple as married and not as single. . . .
>
> Both Genesis 2:24 and Matthew 19:5 view the "one flesh" unity that occurs [*i.e.*, consummation] as an essential part of the marriage.

ESV [English Standard Version] Study Bible 2543-44 (2008).

A distinguished Evangelical scholar recently wrote that marriage is "a sacred bond between a man and a woman, instituted by and publicly entered into before God" and "characterized by permanence, sacredness, intimacy, mutuality, and exclusiveness." ANDREAS J. KOSTENBERGER, GOD, MARRIAGE, AND FAMILY: REBUILDING THE BIBLICAL FOUNDATION 272-73 (2004).

The Latter-day Saint (Mormon) Tradition. Marriage and the family (understood as husband, wife, and children) are central to the beliefs of The Church of Jesus Christ of Latter-day Saints. In 1995, the Church issued a formal doctrinal proclamation on marriage and the family declaring that:

> [M]arriage between a man and a woman is ordained of God and that the family is central to the Creator's plan for the eternal destiny of His children …. Children are entitled to birth within the bonds of matrimony, and to be reared by a father and a mother who honor marital vows with complete fidelity.

The Family: A Proclamation to the World (Sept. 23, 1995) (hereafter "*Family Proclamation*"), available at http://www.lds.org/library/ display/0,4945,161-1-11-1,00.html. The *Family Proclamation* emphasizes the tie between marriage and the rearing of children:

> Husband and wife have a solemn responsibility to love and care for each other and for their children. . . . Parents have a sacred duty to rear their children in love and righteousness, to provide for their physical and spiritual needs, and to teach them to love and serve one another, observe the commandments of God, and be law-abiding citizens wherever they live.

Id. It deems the traditional family "the fundamental unit of society." *Id.*

The Jewish Tradition. Judaism recognizes marriage as a fundamental human institution and affirms marriage only between a man and woman. Judaism recognizes the central role of the two-parent, mother-father led family as the vital institution in shaping the entire human race. Thus, the opening passages of the Torah teach us that the human race was created in the pair of Adam and Eve and they were charged to "be fruitful" and populate the earth. Genesis 1:27-28. The Torah further teaches that "man is to leave his father and mother and cleave to his wife, and become one flesh." Genesis 2:24.

Within the Jewish people, the two-parent marriage is a model not only for human relations but for relations with the Divine. Babylonian Talmud, Tractate Kiddushin, 30b. The Almighty Himself is seen as being a third partner to the

father-mother configuration (*id.*), and the central role of the family, unless circumstances make it impossible, is to conceive and raise children, thereby perpetuating the human race and for Jews, ensuring the continuity of the Jewish people.

Judaism recognizes marriage as a sanctified institution—such that the term for the marriage ceremony is *Kiddushin*—literally: "holiness"—and the marriage vow stated under the wedding canopy is "behold you are *mekudeshet*, 'holy,' to me." Undermining this ancient and holy institution is at odds with the Jewish tradition.

These religious understandings of marriage are rooted in beliefs about God's will concerning men, women, children, and society, rather than in the narrow issue of homosexuality. Religious teachings may indeed address homosexuality and other departures from the marriage norm, but such issues are secondary and at the margins of religious discourse on marriage.

B. Our Religious Communities Preach Love for, Not Hostility Toward, Our Homosexual Neighbors.

Lastly, whatever the failings (past or present) of particular individuals within our religious communities, we are united in condemning hatred and mistreatment of homosexuals. We believe that God calls us to love homosexual persons, even as we steadfastly defend our belief that traditional marriage is both divinely ordained

and experientially best for families and society. This considered judgment is informed by our moral reasoning, our religious convictions, and our long experience counseling and ministering to adults and children. The district court's ruling that, in enacting DOMA, Congress could only have been motivated by bigotry against homosexuals—and, hence, by implication, that our own support for DOMA and traditional marriage is so motivated—is inaccurate and unfair.

CONCLUSION

DOMA should be upheld and the decision below reversed.

Respectfully submitted,

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January 27, 2011

CERTIFICATE OF COMPLIANCE

I hereby certify that, pursuant to Fed. R. App. P. 32(a)(7)(C), the attached Brief of *Amici Curiae* has been produced using the proportional font 14-point Times New Roman. I also certify that this brief contains 6,931 words, as calculated by Microsoft Word 2007, in compliance with the type-volume limitations of Fed. R. App. P. 32(a)(7)(B).

/s Anthony R. Picarello, Jr.
Anthony R. Picarello, Jr.
Counsel for Amici Curiae

January 27, 2011

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the First Circuit by using the appellate CM/ECF system on January 27, 2011.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Anthony R. Picarello, Jr.
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January 27, 2011

ADDENDUM—STATEMENTS OF INTEREST OF THE *AMICI*

The United States Conference of Catholic Bishops ("USCCB" or "Conference") is a nonprofit corporation, the members of which are the active Catholic Bishops in the United States. USCCB advocates and promotes the pastoral teachings of the U.S. Catholic Bishops in such diverse areas of the nation's life as the free expression of ideas, fair employment and equal opportunity for the underprivileged, protection of the rights of parents and children, the sanctity of life, and the promotion and protection of marriage.

The National Association of Evangelicals ("NAE") is the largest network of evangelical churches, denominations, colleges, and independent ministries in the United States. It serves 41 member denominations, as well as numerous evangelical associations, missions, nonprofits, colleges, seminaries and independent churches. NAE serves as the collective voice of evangelical churches and other religious ministries. It believes that biblical marriage is instituted by God, and that the government does not create marriage but is charged to protect it. NAE is grateful for the American legal tradition safeguarding biblical marriage, and believes that this jurisprudential heritage should be maintained in this case.

The Church of Jesus Christ of Latter-day Saints ("LDS Church") is a Christian denomination with approximately 14 million members worldwide. Marriage and the family are central to the LDS Church and its members. The LDS

Church teaches that marriage between a man and a woman is ordained of God, that the traditional family is the foundation of society, and that marriage and family supply the crucial relationships through which parents and children acquire private and public virtue. Out of support for these fundamental beliefs, the LDS Church appears in this case to defend the traditional definition of marriage as embodied in the federal Defense of Marriage Act.

The Ethics and Religious Liberty Commission (ERLC) is the moral concerns and public policy entity of the Southern Baptist Convention (SBC), the nation's largest Protestant denomination, with over 44,000 churches and 16.3 million members. The ERLC is charged by the SBC with addressing public policy affecting such issues as marriage and family, the sanctity of human life, ethics, and religious liberty. Marriage is a crucial social institution. As such, we seek to strengthen and protect it for the benefit of all.

The Lutheran Church-Missouri Synod is the second largest Lutheran denomination in North America, with approximately 6,150 member congregations which, in turn, have approximately 2,400,000 baptized members. The Synod believes that marriage is a sacred union of one man and one woman (Gen. 2:24-25), and that God gave marriage as a picture of the relationship between Christ and His bride the Church (Eph. 5:32). As a Christian body in this country, the Synod

believes it has the duty and responsibility to speak publicly in support of traditional marriage and to protect marriage as a divinely created relationship between one man and one woman.

The Union of Orthodox Jewish Congregations of America is the largest Orthodox Jewish umbrella organization in the United States, representing nearly 1,000 synagogues. Through its Institute for Public Affairs, the Union regularly participates in court cases, typically through *amicus* briefs, to protect the interests and values of the Orthodox community. The American Orthodox Jewish community has a keen interest in ensuring the traditional definition of marriage is preserved for the sake of American families as well as the religious liberty interests of America's faith institutions. As will be elaborated further below, the American Orthodox Jewish community's values – rooted in the Torah – compel us to contend that the traditional definition of marriage be preserved.

The Massachusetts Catholic Conference is the public policy office for the Roman Catholic Church in the Commonwealth, governed by the Ordinary Bishops of the Archdiocese of Boston and the Dioceses of Fall River, Springfield and Worcester. The Massachusetts Catholic Conference advocates the Roman Catholic Church's social justice teaching as applied to public policy issues being debated in the state legislature and courts. The Bishops have consistently spoken out in favor

of maintaining the traditional definition of marriage as the union between one man and one woman.

The Brethren in Christ Church originated in 1778 in Lancaster County, Pennsylvania, and has over 300 congregations across the United States and Canada. We believe the Bible is God's message of salvation for all people, and as believers we accept the Bible as the final authority for faith and practice. It is our commitment to Biblical teaching that leads to our strong affirmation of marriage as a union of a man and a woman in a lifelong commitment of love and fidelity. We believe that society benefits when this traditional understanding of marriage is upheld and supported.

The Christian and Missionary Alliance **("C&MA")** is an evangelical denomination established in 1897 with a major emphasis on world evangelization. As of 2009, the C&MA had 2,021 churches in the 50 states of the United States, Puerto Rico and the Bahamas with approximately 432,000 members and adherents and 4,000 active official workers. The C&MA believes that marriage between a man and a woman is an essential, sacred institution, a cornerstone of society. It was established by God Himself when "the Lord said, It is not good that the man should be alone; I will make an help meet for him" (Genesis 2:18), and marriage has enjoyed divine sanction and blessing across the centuries. Ephesians 5 reveals

the sacredness of marriage when the union between Christ and the Church is used to illustrate the husband-wife relationship.

The Conservative Congregational Christian Conference ("CCCC") is a theologically conservative denomination that was formally organized in 1948, now with over 300 churches and 800 ministers who are followers of the Lord Jesus Christ. Our various member churches were begun in the 17th through the 21st centuries, and we are committed to living according to the truth revealed in the Bible which we regard as the infallible Word of God. One of our position papers thus declares this conviction concerning marriage: "*God instituted marriage. It is not subject to the changing norms of society. God designed marriage to be a permanent union of a man and woman by which they are made one*."

The Evangelical Free Church of America ("EFCA") consists of 1,500 churches and church plants with approximately 350,000 participants. As Evangelicals, we are committed to the proclamation of the Gospel, the good news of Jesus Christ, and to the Scriptures as being the inspired, inerrant, authoritative and sufficient Word of God. EFCA churches are united by a mutual commitment to serve our Lord Jesus Christ under the guidance of the Holy Spirit and obedience to the Word of God. The ministry of the EFCA currently extends to 75 countries of the world. We believe that God first created man and then created woman, from

the man, as a complement to the man. God established marriage as a one-flesh union between the man and the woman, the husband and the wife. As ordained by God, this covenantal relationship known as marriage is the union of a man and woman-husband and wife that is life-long (permanent, i.e. until separated by death), exclusive (monogamy and fidelity), and generative which is fulfilled by bearing and rearing children together (be fruitful and multiply). Marriage is the original and most important institution of human society, and the one on which all other human institutions have their foundation. Because God is good and his design for marriage is good, and because this is the foundation of human and societal flourishing, we strongly affirm the one-flesh union of husband and wife which serves the good of children, the good of spouses, and the common good of society.

The Evangelical Presbyterian Church is a growing denomination of 297 churches representing over 720 credentialed ministers and 113,000 members. As a reformed and evangelical body we are strongly committed to the authority and teaching of the Bible, God's Word. We believe that God has revealed to all people in all cultures at all times a sense of morality in the ordering of human relationships. For this reason, there is a moral imperative which governs all human relationships, including marriage. The EPC unambiguously affirms that marriage

is a covenant between one man and one woman and between the participants and God (Malachi 2:14-16). It is a gift from God for the blessing of men, women and children and for the good of society, and is therefore, the fundamental institution of society. Protecting and encouraging this fundamental institution is of the highest importance for the welfare and benefit of all.

The International Church of the Foursquare Gospel is a Christian denomination that traces its founding to the inspired work of Aimee Semple McPherson beginning in Los Angeles in 1923. As a hierarchical church, the Foursquare Church has approximately 262,000 members and organized into 14 districts across the U.S. The Foursquare Church has more than 64,000 churches and meeting places around the world. Its 1,865 U.S. churches are served by over 6,800 pastors called to ministry by the Foursquare Church.

According to the doctrine and practices of the Foursquare Church, marriage is an ordinance to govern relations between men and women first instituted by our Creator. The institution of marriage was honored by Christ and clear teaching for the health and preservation of marriage between men and women was a part of the teachings of the first apostles of the Gospel, including the instruction that the relationship between a husband and wife at its best is a picture of the relationship between Christ and the church. Thus, the Foursquare Church has a vested interest

in fostering healthy marriages among men and women. The Foursquare Church views the traditional definition of "marriage" in the law as a bulwark in the societal understanding of healthy human relationships.

The International Pentecostal Holiness Church is a classical, pentecostal denomination originating in 1898 and incorporating in the state of North Carolina in 1911. From its humble beginnings, the denomination today numbers 4.1 million members, with over 18,000 congregations and 23,000 ministers residing in 103 countries around the world. The denomination is present in 45 states in the United States. Its ministry includes grade schools, Bible Colleges, Liberal Arts Colleges, a Graduate School, medical aid stations, orphanages, child adoption programs, military and institutional chaplaincies, as well as many other social outreach functions. The IPHC operates with elements of both congregational and episcopal government, being led by a Presiding Bishop and 33 additional Bishops in the United States as well as National Bishops overseas. The International Pentecostal Holiness Church believes that biblical marriage is instituted by God, and that the government does not create marriage but is charged to protect it. The IPHC is grateful for the American legal tradition safeguarding biblical marriage, and believes that this legal heritage should be maintained. The IPHC believes and teaches that marriage between a man and a woman is ordained of God, that the

traditional family is the foundation of society, and that marriage and family supply the crucial relationships through which parents and children acquire private and public virtue.

The Missionary Church was founded in 1885 and maintains a deep commitment and obedience to biblical teachings. We currently have 450 churches in 42 states in the United States and are committed to Church Planting and World Missions. The Missionary Church firmly believes in the sanctity of marriage between one man and one woman. Our constitution states: "*Marriage is a sacred institution ordained by God, and is an indissoluble union of one husband (born male) and one wife (born female) until parted by death."*

Open Bible Churches [USA] is an evangelical denomination that represents 1,000 credentialed ministers, 300 churches, and 35,000 constituents. Open Bible is an association of evangelical churches called to be a life-giving force in our society. Marriage and family are foundational to the structure of society. The security of children, the emotional and physical health of adults, and even the condition of the workplace are connected to the presence of healthy marriages and families. Therefore, protecting and nurturing marriages and families is of the highest importance. We believe marriage is God given and sacred – a holy union between one man and one woman in which they covenant with one another and

with God to build a loving, faithful, and lifetime relationship until separated by death.

The United Brethren in Christ Church was founded in 1800 and is committed to obey biblical teachings. We currently have 182 churches in 22 states in the United States and are committed to Global Missions. The United Brethren in Christ Church firmly believes in the sanctity of marriage between one man and one woman. Our discipline states: "*Marriage was instituted by God and regulated by Him. The purpose of marriage is companionship between a man and a woman in a permanent relationship which can end only when one of the partners dies."*

The Wesleyan Church is an evangelical denomination established in 1968 by the union of The Wesleyan Methodist Church and Pilgrim Holiness Church. The Wesleyan Church stands firmly in its conviction that the Bible teaches marriage is the union of one man and one woman. Our constitution states: "We believe that every person is created in the image of God, that human sexuality reflects that image in terms of intimate love, communication, fellowship, subordination of the self to the larger whole, and fulfillment. God's Word makes use of the marriage relationship as the supreme metaphor for His relationship with His covenant people and for revealing the truth that that relationship is of one God with one people. Therefore God's plan for human sexuality is that it is to be

expressed only in a monogamous lifelong relationship between one man and one woman within the framework of marriage. This is the only relationship which is divinely designed for the birth and rearing of children and is a covenant union made in the sight of God, taking priority over every other human relationship."