

House Resolution 471

By: Representatives Mills of the 25th, Dutton of the 166th, Byrd of the 20th, Spencer of the 180th, Clark of the 98th, and others

A RESOLUTION

1 Urging the United States Congress to take such actions as may be necessary to ensure that
2 the federal Defense of Marriage Act is defended against all challenges as to its
3 constitutionality in the courts of this nation; and for other purposes.

4 WHEREAS, in 1996, President Bill Clinton signed the federal Defense of Marriage Act into
5 law (Public Law No. 104-199); and

6 WHEREAS, the federal Defense of Marriage Act was enacted by a substantial majority of
7 both houses of Congress, passing by a vote of 85–14 in the Senate and a vote of 342–67 in
8 the House of Representatives; and

9 WHEREAS, the federal Defense of Marriage Act provides that no state or other political
10 subdivision within the United States shall be required to recognize same-sex marriages from
11 other states and defined marriage as a legal union between one man and one woman for
12 federal purposes; and

13 WHEREAS, the United States Justice Department has defended the constitutionality of the
14 federal Defense of Marriage Act in the courts since its enactment until February 23, 2011,
15 when United States Attorney General Eric Holder announced that the Justice Department
16 would cease defending the constitutionality of Section 3 of the Act, which defines a marriage
17 for federal purposes, at the direction of President Barack Obama, who made the
18 determination that Section 3 was unconstitutional; and

19 WHEREAS, under our federal system, it is the duty of the Congress to enact the law, the
20 duty of the President and the executive branch to enforce the law, and the duty of the
21 Supreme Court and the federal judiciary to interpret the law and determine the law's
22 constitutionality; and

23 WHEREAS, all duly enacted laws of this nation bear a presumption of constitutionality and
24 are to be defended until a majority of the justices of the Supreme Court finds them to be
25 unconstitutional; and

26 WHEREAS, the President, the Attorney General, and the Justice Department have the duty
27 to enforce and defend all laws, including the federal Defense of Marriage Act; and

28 WHEREAS, in light of the failure and refusal by the President and the Attorney General to
29 defend the federal Defense of Marriage Act because, in the opinion of the President, the law
30 is unconstitutional, the duties of the executive branch of our federal government are being
31 left unfulfilled; and

32 WHEREAS, in order to hold the executive branch accountable for its duties under the law,
33 Congress should act to ensure that a proper defense is made for the federal Defense of
34 Marriage Act since it is not the duty of the President and the executive branch to determine
35 the constitutionality of a law, but to enforce and defend the law; and

36 WHEREAS, Congress needs to act quickly and take all necessary steps through whatever
37 means are necessary to ensure that this Act is properly defended in the courts.

38 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
39 the members of this body strongly urge the Congress to immediately take all such steps as
40 may be necessary through whatever means necessary to ensure that the constitutionality of
41 the federal Defense of Marriage Act is properly defended in the courts of this nation.

42 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
43 and directed to transmit an appropriate copy of this resolution to President Barack Obama,
44 Vice President Joe Biden, Speaker of the United States House of Representatives John
45 Boehner, and all of the members of the Georgia Congressional delegation.