



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

September 3, 2003

The Honorable John Cornyn, Chairman
U.S. Senate Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights and Property Rights
Dirksen Senate Office Building - Room 139
Washington, D.C. 20510

Dear Chairman Cornyn:

I understand that the Constitution Subcommittee of the Senate Judiciary Committee is holding a hearing this Thursday, September 4 on the bipartisan Defense of Marriage Act ("DOMA").

I write to express my strong support for this important legislation - which passed Congress in 1996 with overwhelming bipartisan support in both chambers - and the Senate's current attempts to strengthen it. Since DOMA was enacted, 37 states have passed state-level DOMAs, defining marriage for purposes of state law. Recent and pending litigation, however, in both state and federal courts throughout the nation, raises serious questions about the traditional definition of marriage.

I urge the Subcommittee to determine what steps are needed to uphold and strengthen DOMA, reaffirm the principles underlying the Act, and safeguard the traditional institution of marriage. Marriage, as DOMA recognized in 1996 and as several dozen states have reaffirmed since then, is fundamental to our culture and indispensable to a flourishing, civil society. Over millennia and across cultures, traditional marriage has been the cornerstone for a strong and stable family, the building-block institution of civilization. And a wealth of unflinching, empirical data demonstrate the unmatched potency of the family to combat social ills, foster strong communities, and promote happier, healthier lives.

The Congress grasped all this seven years ago when it passed DOMA by a decisive and bipartisan margin. Since then, however, court decisions have weakened the foundation underlying DOMA and require the Congress to reexamine and, if necessary, to take decisive steps to strengthen DOMA and ensure that its traditional understanding of marriage remains the law of the land - and free from activist judicial mischief and usurpation.

Some observers insist that congressional action to protect the institution of marriage and reinforce DOMA would offend states' rights. This argument is specious. The real threat to states' rights is unconstrained judicial activism, not Congress. If courts continue to upend our laws and the first principles that animate them, the right of citizens across America to define marriage, through their elected state representatives, will be usurped. Indeed, Congress may be the only institution that can protect states' rights in this area.

Thank you for your efforts to fortify this important legislation, which aims to safeguard the traditional understanding of what marriage is, and which recognizes the inestimable societal strength, stability, and vitality that traditional marriage affords.

Sincerely,

Greg Abbott

Attorney General of Texas

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