

The Honorable Eric H. Holder
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Attorney General:

On March 3, 2009, Gay and Lesbian Advocates and Defenders (GLAD) filed a lawsuit in the United States District Court in Boston, Massachusetts, seeking to overturn a key portion of the 1996 Defense of Marriage Act (DOMA). We write today to seek your assurances that you plan to defend vigorously this law in its entirety, in accordance with your duty as Attorney General.

After thorough review, Congress passed DOMA in 1996 by an overwhelmingly bipartisan vote of 342-67 in the House and 85-14 in the Senate. President Clinton signed it into law on September 21, 1996. Since that point, the American people have spoken both through ballot initiatives and their state legislatures. Forty-five states now have laws defining marriage as the union of one man and one woman. Every state that has considered adding this definition to its constitution has done so – 30 in total.

DOMA provides that states cannot be forced by residents of another state to recognize same-sex marriage, and that, for purposes of federal law, marriage is the union of one man and one woman. This suit seeks to overturn the latter provision, requiring the federal government to provide benefits such as pensions for federal employees, Social Security, income tax filing status, and passport name changes to same-sex partners who have been deemed married by a state.

We understand that President Obama has expressed his opposition to DOMA and his desire to see it overturned. This law, however, very clearly expresses the intent of Congress to prevent the recognition of same-sex marriage by the federal government, including through this and similar lawsuits. Should interested parties seek to overturn this statute, they should pursue that goal through their elected representatives under the legislative process, not through unaccountable federal judges.

We are concerned in part because Justice Department spokesman Charles Miller was recently quoted as saying that Department officials would “make a determination as to how the government would ultimately respond after [they] review” the suit, rather than making a commitment to defend existing federal law. As Attorney General, it is your duty to defend the United States and its agencies against challenges to laws enacted by Congress and signed by the President, and we request your commitment to us to honor this responsibility. We would appreciate a response to this inquiry, including your commitment to defend vigorously the law, by Monday, March 23.

Sincerely,