

United States Senate

WASHINGTON, DC 20510-2101

January 8, 2004

Thank you for your letter on the proposed Federal Marriage Amendment to the Constitution.

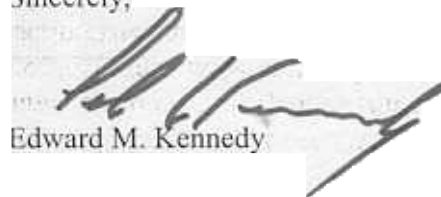
Although I understand your concerns, I disagree with you on the issue. With the exception of the amendment on Prohibition, which was quickly repealed, every amendment to the Constitution has expanded the rights of Americans. The proposed Federal Marriage Amendment would go against that strong tradition by restricting individual rights and undermining our nation's commitment to treating all people equally under the law. Under current federal law over 1,000 benefits, rights, and protections are granted on the basis of marital status. These rights cover a wide range of areas, from filing joint tax returns to being able to share insurance and visit loved ones when they are sick and in the hospital. In its landmark decision in Lawrence v. Texas, the Supreme Court ruled that it is unconstitutional for a state's criminal laws to discriminate against gays and lesbians. Similarly, it is wrong for a state's civil laws to discriminate by denying gays and lesbians the same benefits and protections provided to married couples, and it would be wrong to try to nullify these basic principles of justice by amending the Constitution.

Some people are legitimately concerned that the government may somehow interfere with how churches and religious groups conduct their affairs. Nothing in the Constitution requires any religion to accept same-sex marriage. The recent court decisions cannot force a church to perform same-sex marriages or grant them sacramental status. The freedom of religion granted under the First Amendment to the Constitution means that no court can tell any church or religious group how to conduct its affairs. Each state has the right to determine the civil effects of marriage, and each church decides the religious aspects of marriage among its members. The proposed Federal Marriage Amendment would undermine these basic principles of freedom of religion.

Our nation has made extraordinary progress in the battle for civil rights. The Federal Marriage Amendment would be an unjustified step backwards, and I oppose it.

Thank you for again for contacting me on this important issue.

Sincerely,



Edward M. Kennedy