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Bishop calls U.S. court's rejection of Defense of Marriage Act 'unjust'

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The chairman of the U.S. Catholic bishops' subcommittee on marriage described as "unjust and a great disappointment" the decision by a federal appeals court striking down part of the Defense of Marriage Act, which says marriage is a legal union of a man and a woman.

"Redefining marriage never upholds the equal dignity of individuals because it contradicts basic human rights," said San Francisco Archbishop Salvatore J. Cordileone, chairman of the U.S. Conference of Catholic Bishops' Subcommittee for the Promotion and Defense of Marriage.

He issued a statement Friday about a 2-1 ruling handed down a day earlier by the 2nd U.S. Circuit Court of Appeals in Manhattan, which said the federal marriage law was unconstitutional because it failed to give equal protection to New York spouses in same-sex marriages.

It was the second appeals court ruling to find a key provision of the 1996 federal law unconstitutional. In May, the Boston-based 1st U.S. Circuit Court of Appeals ruled in favor of same-sex couples in Massachusetts, challenging what they argued was the discriminatory nature of the legislation.

The Defense of Marriage Act, known as DOMA, passed with bipartisan support and was signed into law by President Bill Clinton. It defines marriage as "a legal union between one man and one woman as husband and wife."

The U.S. Supreme Court is expected this term to take up an appeal to rulings on the Defense of Marriage Act.

There also is an appeal pending on California's Proposition 8, a 2008 voter-approved ban on same-sex marriage. In February of this year, a three-judge panel of the 9th Circuit affirmed a U.S. District Court judge's ruling that Prop 8 was unconstitutional. The panel and later the full court stayed the ruling pending appeal. On July 31, it was appealed to the U.S. Supreme Court.

In his statement, Cordileone reiterated the church's teaching that marriage "is and can only be the union of one man and one woman," and said this recognition "is grounded in our nature" and "obliges our consciences and laws."

"It is a matter of basic rights -- the right of every child to be welcomed and raised, as far as possible, by his or her mother and father together in a stable home," he said. "Marriage is the only institution whereby a man and a woman unite for life and are united to any child born from their union.

"The public good demands that the unique meaning and purpose of marriage be respected in law and society, not rejected as beyond the constitutional pale."

Brian Brown, president of the National Organization for Marriage, which filed arguments with the appeals court

before the ruling, described the decision as "another example of judicial activism and elite judges imposing their views on the American people."

He also said the ruling "further demonstrates why it is imperative" for the U.S. Supreme Court to review pending cases against the Defense of Marriage Act.

"The American people are entitled to a definitive ruling in support of marriage as the union of one man and one woman, as 32 states have determined through popular vote," he said in a statement.

The 2nd Circuit ruling, written by Judge Dennis Jacobs, said it found no reason that the Defense of Marriage Act could be used to deny benefits to married gay couples.

It supported a lower court ruling in a case brought by Edith Windsor, who sued the government in 2010, because she was required to pay $363,053 in federal estate tax after her partner of 44 years died.

The court ruled that the Defense of Marriage Act prevented Windsor, who is 83, from being treated as a spouse even though she and Thea Spyer were married in Canada in 2007. Although their marriage was recognized under New York state law, Windsor was denied the spousal waiver from the federal estate tax after Spyer died in 2009.

Jacobs said courts should examine discrimination against homosexuals in the same way they viewed discrimination of women decades ago.

"The question is not whether homosexuals have achieved political successes over the years; they clearly have. The question is whether they have the strength to politically protect themselves from wrongful discrimination," he wrote.

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