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Marriage needs to be 'preserved,' not 'redefined,' says archbishop

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Marriage needs "to be preserved and strengthened, not redefined," San Francisco Archbishop Salvatore J. Cordileone said Feb. 28 in support of the State Marriage Defense Act of 2014, introduced into the U.S. Senate by Sen. Ted Cruz, R-Texas.

"Every just effort to stand for the unique meaning of marriage is worthy of support," the archbishop said in a letter to Cruz.

The archbishop, who is chairman of the U.S. Conference of Catholic Bishops' Subcommittee for the Promotion and Defense of Marriage, sent a similar letter in January to U.S. Rep. Randy Weber, R-Texas, when he introduced a companion bill in the House Jan. 9.

Cordileone urged the U.S. Senate to pass the measure, saying it is necessary to keep the federal government from circumventing state laws defining marriage as the union of one man and one woman.

"Various agencies of the executive branch -- most recently the Department of Justice by order of Attorney General (Eric) Holder -- have decided to use a 'place of celebration' rule rather than a 'place of domicile' rule when determining the validity of a marriage for purposes of federal rights, benefits and privileges," the archbishop said in the letter to Cruz.

"By employing a 'place of celebration' rule, these agencies have chosen to ignore the law of the state in which people reside in determining whether they are married. The effect, if not the intent, of this choice is to circumvent state laws defining marriage as the union of one man and one woman," he wrote.

Cruz introduced the bill Feb. 13, with Sen. Mike Lee, R-Utah, as a co-sponsor.

"We should respect the states, and the definition of marriage should be left to democratically elected legislatures, not dictated from Washington," Cruz said in a statement on introducing the measure. "This bill will safeguard the ability of states to preserve traditional marriage for its residents."

In his letter, Cordileone said the U.S. Supreme Court's decision last year in United States v. Windsor "requires the federal government to defer to state marriage law, not disregard it."

"Your bill would remedy this problem by requiring the federal government, consistent with Windsor, to defer to the marriage law of the state in which people actually reside when determining whether they are married for purposes of federal law," he told Cruz.

In Windsor, the high court ruled June 26 in a 5-4 opinion that the federal Defense of Marriage Act, defining marriage as between one man and one woman, was unconstitutional under the Equal Protection Clause.

Same-sex marriage is now legal in 17 states: eight by legislative action, six by court decision and three by

popular vote. The District of Columbia legalized same-sex marriage in 2010.

Thirty-three states ban same-sex marriage: 26 by constitutional amendment and state law, four by state law only and three by constitutional amendment only. However, in recent months federal courts have overturned as unconstitutional the ban in five of those states: Utah, Oklahoma, Virginia, Kentucky and Texas. The rulings in each case have been stayed until they can be appealed.

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