

By: Workman

H.C.R. No. 110

CONCURRENT RESOLUTION

1 WHEREAS, President Barack Obama took an oath to "preserve,
2 protect and defend the Constitution of the United States," but on
3 February 23, 2011, he instructed the U.S. Department of Justice to
4 stop defending the constitutionality of the Defense of Marriage
5 Act; and

6 WHEREAS, The Defense of Marriage Act, or DOMA, was passed in
7 1996 with overwhelming majorities in both houses of Congress and
8 signed into law by then president Bill Clinton; DOMA consists of two
9 core provisions: it defines the words "marriage," "spouse,"
10 "husband," and "wife" wherever they appear in the U.S. Code as
11 referring only to the union of a man and a woman, and it defends the
12 right of each state to reject the redefinition of marriage that has
13 occurred in a handful of other states as a result of state court
14 decisions or legislation; and

15 WHEREAS, Nearly 40 states have enacted laws defending the
16 institution of marriage, and 31 have embraced traditional marriage
17 in their constitutions; the Texas Defense of Marriage Act was
18 signed by the governor in 2003, and the statute was solidified with
19 a constitutional amendment defining marriage as a union between a
20 man and a woman, which was approved by voters in November 2005; and

21 WHEREAS, The constitutional role of the president of the
22 United States is to execute the laws, not adjudicate them; it is
23 well-established policy of the U.S. Department of Justice to defend
24 a federal statute unless no reasonable argument can be made in its

1 defense, but instead President Obama has unilaterally decided that
2 DOMA is unconstitutional; the constitutionality of this law should
3 be determined by the courts, not by the executive branch; now,
4 therefore, be it

5 RESOLVED, That the 82nd Legislature of the State of Texas
6 hereby respectfully urge the president of the United States to
7 order the U.S. Department of Justice to defend the
8 constitutionality of the Defense of Marriage Act; and, be it
9 further

10 RESOLVED, That the Texas secretary of state forward an
11 official copy of this resolution to the president of the United
12 States.