

House Concurrent Resolution No. 45

93RD GENERAL ASSEMBLY

5640L.021

Whereas, Senate Joint Resolution 1 has been introduced in the United States Congress to amend the United States Constitution as follows:

"Section 1. This article may be cited as the "Marriage Protection Amendment".

Section 2. Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman."; and

Whereas, civil marriage, as a legal union, has generally been defined by state law in accord with the principles of federalism. Although the states have the primary regulatory power with regard to marriage, the federal government has been involved in regulating marriage since the mid-nineteenth century; and

Whereas, the 1986 Morrill Act, which made bigamy a punishable federal offense, was followed by a series of laws designed to end the practice of polygamy; and

Whereas, in 1996, President Clinton signed the Defense of Marriage Act into law which prevents federal recognition of same-sex marriage, and allows state to refuse to recognize same-sex licenses obtained outside their borders; and

Whereas, the efforts of 19 States, including Missouri, to protect traditional marriage by way of a constitutional amendment as the union between one man and one woman is a clear indication to the rest of the country and the United States Congress that the citizens of each state are in strong support of the most sacred institution of marriage; and

28 **Whereas**, despite progress to protect marriage in the states, the courts pose a
29 direct threat to the will of the people who have spoken through the democratic process; and
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31 **Whereas**, on July 14, 2004, by a vote of 50-48, a similarly-worded federal
32 marriage amendment was defeated in the United States Senate. Despite the amendment's failure
33 in the United States Senate, the United States House of Representatives took up the amendment
34 on September 30, 2004. With a vote of 227-186, the amendment fell well short of the votes
35 needed for adoption; and
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37 **Whereas**, a vote on the marriage protection amendment in the United States
38 Senate is scheduled for June 5, 2006; and
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40 **Whereas**, to become part of the United States Constitution, the Marriage
41 Protection Amendment would need to be approved by a two-thirds majority in the United States
42 House of Representatives and the Senate, and then ratified by 38 of the state legislatures.
43 Three-fourths of the states have already enacted laws in accord with the 1996 Defense of
44 Marriage Act, but these laws do not constitute ratification of the Marriage Protection
45 Amendment:
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47 **Now, therefore, be it resolved** that the members of the House of
48 Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate
49 concurring therein, hereby urge the United States Congress to approve the Marriage Protection
50 Amendment which would define marriage in the United States as a union of one man and one
51 woman; and
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53 **Be it further resolved** that the Chief Clerk of the Missouri House of
54 Representatives be instructed to prepare properly inscribed copies of this resolution for each
55 member of the Missouri Congressional Delegation.