

Statement of

# **The Honorable Patrick Leahy**

United States Senator  
United States Senate  
July 20, 2011

Statement Of Senator Patrick Leahy (D-Vt.),  
Chairman, Senate Judiciary Committee,  
Hearing On "S.598, The Respect For Marriage Act:  
Assessing The Impact Of DOMA On American Families"  
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I welcome everyone to the first-ever congressional hearing examining a bill to repeal the Defense of Marriage Act (DOMA). I called this hearing to assess the impact of DOMA on American families. I have heard from many Vermont families concerned about this important civil rights issue. Earlier this year, I was proud to join Senator Feinstein and others to introduce S. 598, The Respect for Marriage Act, a bill that would repeal DOMA, and restore the rights of all lawfully married couples. These American families deserve the same clarity, fairness, and security that other families in this great Nation enjoy.

As Chairman of this committee, I have made civil rights a focal point of our agenda. But outside of the hearing room, I often speak with those who think the issue of civil rights is merely one for the history books. This is not true. There is still work to be done. The march toward equality must continue until all individuals and all families are both protected and respected, equally, under our laws.

In the 15 years since DOMA was enacted, five states, including my home State of Vermont, plus the District of Columbia, have provided the protections of marriage to committed same-sex couples. In just a few days, the State of New York will become the sixth state to recognize and protect same-sex marriage. Unfortunately, the protections that these States provide to their married couples are overridden by the operation of DOMA. I am concerned that DOMA has served to create a tier of second-class families in states like Vermont. This runs counter to the values upon which America was founded and to the proud tradition we have in this country of moving toward a more inclusive society.

Next month, Marcelle and I will celebrate our 49th wedding anniversary. Our marriage is so fundamental to our lives that it is difficult for me to imagine how it would feel to have the Government refuse to acknowledge it. Sadly, the effect of DOMA goes well beyond the harm to a family's dignity. The commitment of marriage leads all of us to want to protect and provide for our families. As we will hear today, DOMA has caused significant economic harm to some American families. This law has made it more difficult for some families to stay together. It has made it more difficult for some family members to take care of one another during bad health. And DOMA has even made it more difficult for some Americans to protect their families after

they die.

I believe it is important that we encourage and sanction committed relationships. I also believe that we need to keep our Nation moving toward equality in our continuing efforts to form a more perfect union. I am proud to say that Vermont has led the Nation in this regard. In 2000, Vermont took a crucial step when it became the first state in the Nation to allow civil unions for same-sex couples. Nine years later, Vermont went further to help sustain the relationships that fulfill our lives by becoming the first state to adopt same-sex marriage through the legislative process. I have been inspired by the inclusive example set by Vermont.

I have been moved by the words of Representative John Lewis. Like others, my position has evolved as states have acted to recognize same-sex marriage. I applaud the President's decision to endorse the Respect for Marriage Act. The President understands that this civil rights issue affects thousands of American families.

I decided to support the repeal of DOMA because I do not want Vermont spouses, like Raquel Ardin and Lynda DeForge to experience the continuing hardship that results from DOMA's operation. Raquel and Lynda live in North Hartland, Vermont, and have been together in a committed relationship for over three decades. They both served the country they love in the Navy, and both worked for the Postal Service. They moved to Lynda's parents' home in Montpelier to care for her mother who was living with Alzheimer's disease. Sadly, Raquel's degenerative arthritis forced her into retirement and now she needs regular and painful treatment. Lynda was denied family medical leave to care for Raquel, her spouse, because DOMA does not recognize her lawful Vermont marriage. This is just one example of an American family's unfair treatment because of DOMA.

Many other Vermont families have reached out to share their experiences. They include small business owners paying more in Federal taxes because they are not allowed to file as other married couples do. They are young couples that are taxed when their employer provides health insurance to their spouse. They are working parents with teenage children navigating student loan forms. They are retirees planning for end of life care. These are powerful stories about how commitment leads us to be responsible for our spouses in good times and in bad. And their stories will all be a part of this hearing record.

The Respect for Marriage Act would allow all couples who are married under state law to be eligible for the same Federal protections afforded to every other lawfully married couple. Nothing in this bill would obligate any person, religious organization, state, or locality to perform a marriage between two persons of the same sex. Those prerogatives would remain. What would change, and what must change, is the Federal Government's treatment of state-sanctioned marriage. The time has come for the Federal Government to recognize that these married couples deserve the same legal protections afforded to opposite-sex married couples.

I thank the witnesses with us today and all of those who are participating in this hearing by submitting written testimony to tell their own experience. I know that those who were able to travel to the hearing room represent a small fraction of all the American families impacted by

DOMA, but I also welcome those watching the Committee's webcast of these proceedings.  
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