

**Statement Of Senator Patrick Leahy (D-Vt.)
Chairman, Senate Judiciary Committee,
Executive Business Meeting
November 3, 2011**

This morning we have an important agenda. We can vote on the five judicial nominees who had their hearing on October 4th and were held over two weeks ago. With the minority's cooperation we could also report the nominee to be Inspector General to the Justice Department and another judicial nominee from the October 19th hearing. We can consider, again, Senator Kohl's proposed legislation to overturn a Supreme Court decision harmful to consumers.

Today we also begin debate on the Respect for Marriage Act. Earlier this year, I was proud to join Senator Feinstein and others to introduce the Respect for Marriage Act, a bill that would repeal DOMA (the Defense of Marriage Act), and restore the rights of all lawfully married couples.

When I voted for DOMA in 1996, I believed that it was a way to allow states to maintain their independence and define marriage as each state saw fit. But much has happened since DOMA's passage to show us why it must now be repealed. Six states, including Vermont, and the District of Columbia, have now provided the recognition and protections of marriage to committed same-sex couples. Unfortunately, the protections that these states provide to their married citizens are undermined by the operation of DOMA. The result is that in these states, DOMA has created a tier of second-class families who are not treated equally under the law. This runs counter to the values upon which America was founded.

The Respect for Marriage Act would restore the power of states to define and determine "marriage" without the Federal Government imposing its restrictive definition of marriage on the states. No one can dispute that the issue of marriage has traditionally been left to the states. Repealing DOMA would return this power to the states where it belongs.

The Respect for Marriage Act would allow for all couples who are married in accordance with state law to be eligible for the same Federal protections afforded to every other lawfully married couple in the country. Nothing in this bill would obligate any person, religious organization, state, or locality to perform a marriage between persons of the same sex. What would change, and what must change, is the Federal Government's unequal treatment of state-approved marriages. All married couples deserve the same clarity, fairness, and security under our Federal law. The time has come for the Federal Government to recognize that all married couples deserve the same legal protections.

I look forward to the repeal of DOMA. This Committee taking favorable action on this bill takes us closer to that day.

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