

1 State of Arkansas *As Engrossed: H3/25/13*

2 89th General Assembly

3 Regular Session, 2013

HR 1049

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5 By: Representative Dotson

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HOUSE RESOLUTION

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AFFIRMING TRADITIONAL MARRIAGE AS DEFINED IN

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AMENDMENT 83 TO THE CONSTITUTION OF THE STATE OF

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ARKANSAS AND FEDERAL DEFENSE OF MARRIAGE ACT AND

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SUPPORTING THE FEDERAL DEFENSE OF MARRIAGE ACT.

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Subtitle

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AFFIRMING TRADITIONAL MARRIAGE AS DEFINED

16

IN AMENDMENT 83 TO THE CONSTITUTION OF

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THE STATE OF ARKANSAS AND FEDERAL DEFENSE

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OF MARRIAGE ACT AND SUPPORTING THE

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FEDERAL DEFENSE OF MARRIAGE ACT.

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WHEREAS, marriage is a fundamental social institution that has been

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tested and reaffirmed over thousands of years; and

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WHEREAS, historically marriage has been reflected in our law and the

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law of all jurisdictions in the United States as the union of a man and a

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woman, and the everyday meaning of marriage and the legal meaning of marriage

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has always been defined as the legal union of a man and a woman as husband

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and wife; and

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WHEREAS, families consisting of the legal union of one man and one

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woman for the purpose of bearing and raising children remains the basic unit

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of our civil society; and

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WHEREAS, in 1996, Congress overwhelmingly passed, and President Bill

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Clinton signed, the Defense of Marriage Act under which Congress exercised



1 *its rights under the effects clause of Section 1 of Article IV of the United*
2 *States Constitution; and*

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4 *WHEREAS, Section 2(a) of the Defense of Marriage Act clearly spells out*
5 *that "No State, territory, or possession of the United States, or Indian*
6 *tribe, shall be required to give effect to any public act, record, or*
7 *judicial proceeding of any other State, territory, possession, or tribe*
8 *respecting a relationship between persons of the same sex that is treated as*
9 *a marriage under the laws of such other State, territory, possession, or*
10 *tribe, or a right or claim arising from such relationship."; and*

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12 *WHEREAS, Section 3 of the Defense of Marriage Act, defining marriage,*
13 *states that "the word 'marriage' means only a legal union between one man and*
14 *one woman as husband and wife, and the word 'spouse' refers only to a person*
15 *of the opposite sex who is a husband or a wife."; and*

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17 *WHEREAS, the Supreme Court of the United States will hear oral*
18 *arguments in U.S. v. Windsor on March 27, 2013, asking whether the Defense of*
19 *Marriage Act – passed under the effects clause of Section 1 of Article IV of*
20 *the United States Constitution – violates the Fifth Amendment of the United*
21 *States Constitution; and*

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23 *WHEREAS, in February, the Justice Department of President Barack Obama*
24 *filed a brief with the Supreme Court of the United States, asking the Supreme*
25 *Court to invalidate Section 3 of the Defense of Marriage Act; and*

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27 *WHEREAS, on November 2, 2004, 753,770 Arkansans voted to pass Proposed*
28 *Constitutional Amendment No.3 to the Constitution of the State of Arkansas,*
29 *representing 74.95% of the votes cast; and*

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31 *WHEREAS, the total amount of votes cast in favor of Proposed*
32 *Constitutional Amendment No.3 was higher than the total amount of votes cast*
33 *for the re-election of President George W. Bush; and*

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35 *WHEREAS, Proposed Constitutional Amendment No.3 became Amendment 83 to*
36 *the Constitution of the State of Arkansas; and*

