



Written by [Ann Shibley](#) on July 9, 2009

## Mass. Sues Feds Over Defense of Marriage Act

Suddenly sounding like a constitutionalist, [Attorney General Coakley says Massachusetts is challenging Section 3 of DOMA](#), which defines marriage as “a legal union between one man and one woman as husband and wife,” while a spouse is defined as “a person of the opposite sex who is a husband or a wife,” because the 1996 law interferes with her state’s “long-standing sovereign authority to define and regulate the marital status of its residents.”



The lawsuit was filed on July 8 in Boston. Defendants include the Department of Health and Human Services along with Secretary Kathleen Sebelius, the Department of Veterans Affairs and Secretary Eric Shinseki, and the United States.

Massachusetts maintains in the written argument that DOMA “constitutes an overreaching and discriminatory federal law.” Before DOMA was passed, defining the marital status was the “exclusive prerogative of the states,” said Coakley. By denying equal rights and protections to gays and lesbians — federal income tax credits, employment and retirement benefits, health insurance coverage, Social Security payments, etc. — Coakley says, codifies “an animus towards gay and lesbian people.”

Coakley means for this argument to persuade people into believing that “gays” and lesbians are currently being discriminated against. Nothing could be further from the truth. Instead, a whole separate but special class is being created and protected.

There already is precedent for a successful challenge of DOMA. In 2003 the Gay & Lesbian Advocates & Defenders sued the federal government over Section 3 of DOMA and won. Massachusetts knows this and is banking on the same outcome.

The hypocrisy of using the courts and the Constitution to impose the will of a minority of the people of the Commonwealth of Massachusetts is only too apparent when one considers that this same state government refused to allow its citizens to vote on the definition of marriage.

Without verbally referring to the Tenth Amendment, Coakley is taking shelter under and using the Tenth Amendment in order to promote the pro-homosexual agenda.



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