

September 12, 2022

Dear Senators:

As pastors, ministers of the faith, and leaders of religious nonprofit organizations, we write to express our deep concern with H.R. 8404, the Respect for Marriage Act. We understand that this bill swept through the U.S. House of Representatives with little prior notice and is presently before the U.S. Senate. Simply put, H.R. 8404 would inflict an injustice on us, the members of our congregations and organizations, and the countless Americans we regularly serve who hold to the eternal truth that marriage is between one man and one woman.

Our view of the distinct nature of men and women, the union of a husband and wife, and the blessing of any children born into a marriage, should not be erased from or punished under our laws. The U.S. Supreme Court in *Obergefell* affirmed that such views “long ha[ve] been held—and continue[] to be held—in good faith by reasonable and sincere people here and throughout the world.”<sup>1</sup> The so-called Respect for Marriage Act, however, intends to disparage and hold liable any who adhere to the conviction that marriage is between one man and one woman and is essential for human flourishing.

The proposed bill represents a startling expansion of what marriage means—and who may be sued for disagreement. This threatens the freedoms of Americans of many faiths, creeds, and walks of life who wish to conduct their lives and religious practices consistent with deeply-held beliefs. For example:

- The Respect for Marriage Act effectively deputizes interest groups to sue religious individuals, organizations, and businesses that operate according to sincerely held beliefs that marriage is between one man and one woman, and that also act “under color of state law.” Private organizations such as faith-based foster care providers and religious social service organizations that participate in a joint activity with the state or whose operations are entwined with government policies, will likely face litigation for merely practicing their faith.
- This bill would require federal recognition of any one state’s definition of marriage. Should a state adopt polygamous or open marriages, marriages involving a minor or close relative, or time-bound marriages, the federal government would be bound by it. This would impact countless federal laws on marriage benefits, as well as the rights of parents and children.
- The Internal Revenue Service (IRS) could move to strip our 501(c)(3) organizations of tax-exempt status should we hold fast to our belief that marriage is only between one man and one woman. Then-U.S. Solicitor General Donald Verrilli acknowledged this possibility during the Supreme Court’s *Obergefell* oral arguments, and the Respect for Marriage Act provides congressional support for the IRS to pursue the punishment of religious nonprofits.

For all these reasons, we urge you to reject the so-called Respect for Marriage Act. This bill betrays members of the faith community and should be thoroughly abandoned.

Sincerely,

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<sup>1</sup> *Obergefell v Hodges*, 576 U.S. 644, 657 (2015).