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The Honorable Roy Blunt
United States Senate
260 Russell Senate Office Building
Washington, DC 20510-2508

Dear Senator Blunt,

Foremost, I want to thank you for your many years of service to our great State. I write to urge you to do everything in your power to stop the passage of H.R. 8404, S. 4556, the Respect for Marriage Act ("RFMA"). Specifically, RFMA runs afoul of traditional principles of federalism, will embolden an already weaponized U.S. Department of Justice, and is simply counter to Missourians' overwhelming desire that marriage be between a man and a woman.

First, RFMA significantly alters the balance between state and federal power. Marriage has been traditionally "regarded as a virtually exclusive province of the States." *United States v. Windsor*, 570 U.S. 744, 766-67 (2013) (quoting *Sosna v. Iowa*, 419 U.S. 393, 404 (1975)). "The definition of marriage is the foundation of the State's broader authority to regulate the subject of domestic relations with respect to the protection of offspring, property interests, and the enforcement of marital responsibilities." *Id.* When the Constitution was adopted, it was States, not the federal government, that "possessed full power over the subject of marriage[,]" and "the Constitution delegated no authority to the" latter. *Id.* Although RFMA's preamble states it is intended to "ensure respect for State regulation of marriage," the best way to fulfill that goal is to honor the original meaning of the Constitution and leave the federal government out of a matter reserved to the States.

Second, Missourians have overwhelmingly approved defining marriage as a bond between one man and one woman. Over seventy percent of Missourians amended the Missouri Constitution to provide that "to be valid and recognized in this state, a marriage shall exist only between a man and a woman." MO. CONST. art. I, § 33. Because Missouri's constitution already defines marriage, federal law need not.

Third, RFMA will unleash the power and resources of the federal government on faith-based communities. Start with RFMA's judicial enforcement scheme. The legislation supplies an already weaponized U.S. Department of Justice with a cause of action to enforce violations against faith-based non-profits, religious schools, churches, and small businesses, for example,

an adoption agency abides by the Catechism's teachings or a shelter exclusively serves biological women. This all flies in the face of the Constitution committing the government to religious tolerance and against animosity to religion. *Masterpiece Cakeshop, Ltd. v. Colorado C.R. Comm'n*, 138 S. Ct. 1719, 1731 (2018).

Fourth, RFMA is just bad policy. History shows that marriage arose to meet a critical need: ensuring that children are conceived by a mother and father committed to raising them in the stable conditions of a lifelong relationship. Like the vast majority of Missourians, I believe marriage is the exclusive, lifelong, conjugal union between one man and one woman, and any departure from that design hurts the indispensable goal of having every child raised in a stable home by a mother and a father. This legislation is clearly an attack on traditional marriage and undermines the family—the foundation of any civilized society's success.

Finally, it is highly inappropriate to pass such a controversial piece of legislation in a lame duck session after the people of this country have so recently rejected the congressional leadership at the ballot box.

Accordingly, I urge you to vote against RFMA's passage.

Sincerely,



John R. Ashcroft

Please, I urge
you to stand
Strong for Missourians
Jay