

No. 10-16696

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

KRISTIN M. PERRY, et al.,
Plaintiffs-Appellees,
CITY AND COUNTY OF SAN FRANCISCO,
Plaintiff-Intervenor-Appellee,

v.

ARNOLD SCHWARZENEGGER, et al.,
Defendants,

DENNIS HOLLINGSWORTH, et al.,
Defendant-Intervenors-Appellants.

On Appeal from the United States District Court
for the Northern District of California, No. No. C 09-CV-2292 VRW
Chief District Judge Vaughn R. Walker

**APPLICATION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF OF NATIONAL GAY AND LESBIAN TASK
FORCE FOUNDATION, HUMAN RIGHTS CAMPAIGN, AMERICAN
HUMANIST ASSOCIATION, AND COURAGE CAMPAIGN INSTITUTE
IN SUPPORT OF APPELLEES SUPPORTING
AFFIRMANCE OF THE JUDGMENT**

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The National Gay and Lesbian Task Force Foundation, Human Rights Campaign, American Humanist Association and Courage Campaign Institute (collectively “amici”) hereby move this Court for leave to file an amicus curiae brief in support of Plaintiffs-Appellees supporting affirmance of the decision below.

Interest of Amici

National Gay and Lesbian Task Force: Founded in 1973, the National Gay and Lesbian Task Force (Task Force) is the oldest national lesbian, gay, bisexual and transgender (LGBT) civil rights and advocacy organization. With members in every U.S. state, the Task Force works to build the grassroots political power of the LGBT community by training state and local activists and leaders; conducting LGBT-related research and data analysis; and organizing broad-based campaigns to advance pro-LGBT legislation and to defeat anti-LGBT referenda. As part of a broader social justice movement, the Task Force works to create a world in which all people may fully participate in society, including the full and equal participation of same-sex couples in the institution of civil marriage.

Human Rights Campaign: Human Rights Campaign (HRC), the largest national lesbian, gay, bisexual and transgender political organization, envisions an America where gay, lesbian, bisexual and transgender people

are ensured of their basic equal rights, and can be open, honest and safe at home, at work and in the community. Among those basic rights is equal access for same-sex couples to marriage and the related protections, rights, benefits and responsibilities. HRC has over 750,000 members and supporters, including nearly 150,000 in the State of California, all committed to making this vision of equality a reality.

American Humanist Association: The American Humanist Association (AHA), which was founded in 1941 and has 10,000 members and numerous chapters and affiliates throughout the United States, is committed to advancing equality for lesbian, gay, bisexual and transgender people and their families. AHA's LGBT Humanist Council seeks to improve the lives of LGBT individuals through education, public service and outreach and serves as a resource for its members, the greater freethought community and the public on LGBT issues.

Courage Campaign: The Courage Campaign ("Courage") is a leading multi-issue advocacy organization working to bring progressive change to California and full equality to America's lesbian, gay, bisexual and transgender citizens and families. Courage empowers more than 700,000 grassroots and netroots activists, including nearly 400,000 living in the Ninth Circuit. Courage Campaign Institute ("the Institute") is an affiliated

organization of the Courage Campaign. Through a variety of groundbreaking public education campaigns, the Institute has played an integral role in keeping the public informed about *Perry vs. Schwarzenegger*.

Bases for Request

Amici believe that their views about the state's distinction between marriage and domestic partnership can supplement the arguments already before the Court in this case. Specifically, amici's proposed amicus brief argues that the state's dual framework for recognizing relationships violates the United States Constitution's equal protection guarantee in two ways: (1) it denies same-sex couples access to marriage's unique social value; and (2) it expresses an impermissibly disfavoring message about the worth of same-sex couples relative to different-sex couples. Amici concur with other arguments made by Plaintiffs and their supporting amici, but does not repeat those arguments in their brief.

Because amici represent the interests of many Californians who will be directly affected by the Court's decision in this case, and because they have developed an argument that is not advanced in briefing already before the Court, amici believe they can assist the Court in its consideration of the

important questions presented in this appeal. Accordingly, amici respectfully request leave to file the accompanying amicus curiae brief.

Dated: October 25, 2010

Respectfully submitted,

/s/ Suzanne B. Goldberg

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