

October 26, 2010

VIA ELECTRONIC FILING

Molly Dwyer
Clerk of the Court
United States Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

RE: *Perry v. Schwarzenegger*, No. 10-16696

To the Honorable Chief Judge and Circuit Judges:

On October 25, 2010, Bay Area Lawyers for Individual Freedom (“BALIF”) filed an amicus brief in support of Appellees. Pursuant to the Ninth Circuit Advisory Committee Note to the Ninth Circuit Rule 29-1, Equality Federation, Connecticut Women’s Education and Legal Fund (“CWEALF”), Empire State Pride Agenda, EqualityMaine, Garden State Equality, Gay & Lesbian Advocates & Defenders (“GLAD”), Marriage Equality Rhode Island (“MERI”), MassEquality, and Vermont Freedom to Marry Task Force (“VFMTF”) hereby join in the arguments and factual statements made by BALIF in the above-referenced action.

As argued by BALIF, excluding committed gay and lesbian couples from the unique cultural, social, and legal institution marriage that is marriage causes harm while benefiting no one. Our collective experience with different systems of relationship recognition such as Domestic Partnership and Civil Union confirm the obvious: those systems are different from marriage, fail to provide the same protections as marriage, and continue the invidious discrimination imposed on same-sex couples from the inability to marry. The undersigned organizations urge this Court to affirm the District Court’s ruling below.

The Equality Federation is the national alliance of state-based lesbian, gay, bisexual, and transgender advocacy organizations. The Federation works to achieve equality for LGBT people in every state and territory. This work includes extending the privileges and protections offered through marriage to include same-sex couples.

The Connecticut Women's Education and Legal Fund (“CWEALF”) is a non-profit women’s rights organization dedicated to empowering women, girls, and their families to achieve equal opportunities in their personal and professional lives. CWEALF defends the rights of individuals in the courts, educational institutions, workplaces and in their private lives. Since its founding in 1973, CWEALF has provided legal education and advocacy and conducted research and public policy work to advance women’s rights.

The Empire State Pride Agenda is New York's statewide civil rights and advocacy group dedicated to winning equality and justice for lesbian, gay, bisexual, and transgender (LGBT) New Yorkers and our families. We recognize that while significant

cultural, legal, and governmental advances have led to greater equality for LGBT New Yorkers, we remain highly vulnerable without the vast majority of rights and protections that most New Yorkers take for granted. Through our education, organizing, and advocacy programs, the Pride Agenda has worked across New York State, creating a broadly diverse alliance of LGBT people and our allies in government, communities of faith, labor, all sectors of the workforce and other social justice movements, so that marriage equality will be available to loving same-sex couples who so desperately need access to the literally life-and-death protections it affords them and their families.

EqualityMaine envisions a time when LGBT families have full equality in the hearts and minds of Maine people and in all areas of the law. Together with Gay & Lesbian Advocates & Defenders (“GLAD”), EqualityMaine spearheaded the effort to win marriage equality in Maine in 2009 through a legislative and referendum campaign. We continue to educate Maine voters about why marriage matters to all Maine families and expect to have another ballot measure campaign on marriage in the near future.

Garden State Equality is New Jersey’s largest organization advocating equality for the state’s lesbian, gay, bisexual, and transgender community. Garden State Equality has more than 80,000 members, approximately 45 percent of which are same-sex couples. Garden State Equality educates New Jersey citizens and leaders about the existence and effects of discrimination against the LGBT community, including the myriad of legal, social, medical, and emotional challenges faced by same-sex couples denied marriage equality. Garden State Equality has a particular interest in *Perry v. Schwarzenegger* given the similarity between New Jersey’s civil union law and California’s domestic partnership law. New Jersey’s civil union law purports to provide same-sex couples the state rights of marriage but without the label of marriage. But since the enactment of New Jersey’s civil union law on February 19, 2010, legions of couples across New Jersey have come forth to Garden State Equality to describe how the civil union has fallen significantly short of granting them the real-world equality that marriage equality would. Insisting on the label marriage, hospitals often refuse to recognize patients’ civil union partners for visitation and medical decision-making purposes, and employers often refuse to grant health benefits to employees’ civil union partners as the employers would grant to employees’ opposite-sex husbands or wives. Garden State Equality has also heard from many civil union partners raising children, and the children themselves, about the stigma and psychological harm the children suffer at the hands of classmates who bully and tease them because their parents have a label different from that of marriage.

Founded in 1978, Gay & Lesbian Advocates & Defenders (“GLAD”) is New England’s leading legal rights organization dedicated to ending discrimination based upon sexual orientation, HIV status, and gender identity and expression. In addition to GLAD’s litigation on workplace discrimination, parenting issues, access to health care, public accommodations and services, and myriad other issues in law, GLAD has challenged discrimination in marriage in several states. Most notably, these cases include GLAD’s litigation as counsel in *Goodridge v. Dept. of Public Health*, 798 N.E.2d 941 (Mass. 2003), in *Baker v. State*, 744 A.2d 864 (Vt. 1999), and in *Kerrigan v. Dept. of*

Public Health, 957 A.2d 407 (Conn. 2008). In addition, GLAD has appeared as an amicus curiae in other marriage-related litigation.

Marriage Equality Rhode Island (“MERI”) is a grassroots organization that works to secure equal marriage rights for all Rhode Island couples, regardless of sexual orientation. MERI believes that a civil society guarantees to all of its citizens certain civil rights; civil marriage is one of these fundamental rights. MERI works to bring others who support equal marriage together in a well-organized, comprehensive movement.

MassEquality is Massachusetts’ leading statewide advocacy organization, with over 200,000 members, working to ensure equal rights and opportunities for lesbian, gay, bisexual, and transgender (LGBT) people from cradle to grave – in schools, in marriage and family life, at work and in retirement. Following the Massachusetts Supreme Judicial Court’s decision in *Goodridge v. Dep’t of Pub. Health*, 798 N.E.2d 941 (Mass. 2003), MassEquality led an unprecedented grassroots campaign to defend marriage equality and defeat proposed constitutional amendments that sought to overturn *Goodridge*. MassEquality knows first-hand from the over 16,000 same-sex couples that have married in Massachusetts since 2004 that there is no substitute for the social, psychological, and legal benefits that marriage provides to committed same-sex couples and their children.

The Vermont Freedom to Marry Task Force (“VFMTF”) represents a coalition of individuals and organizations in Vermont who support the freedom for same-sex couples to legally marry. For over a decade, VFMTF led the effort in Vermont to secure equal access to civil marriage for same-sex couples, culminating in the Vermont legislature's passage of a bill in 2009 protecting the freedom to marry for same-sex couples.

Respectfully Submitted,

/s/ A.J. Bockelman
Equality Federation

/s/ Alice Pritchard
*Connecticut Women's
Education and Legal Fund*

/s/ Ross Levi
Empire State Pride Agenda

/s/ Betsy Smith
EqualityMaine

/s/ Peter Goldstein
Garden State Equality

/s/ Lee Swislow
*Gay & Lesbian Advocates &
Defenders*

/s/ Kathy Kushnir
*Marriage Equality Rhode
Island*

/s/ Kara Suffredini
MassEquality

/s/ Beth Robinson
*Vermont Freedom to Marry
Task Force*

cc: All Counsel

9th Circuit Case Number(s) 10-16696

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