

No. 10-16696

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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KRISTIN PERRY, et al.,  
*Plaintiffs-Appellees,*

v.

ARNOLD SCHWARZENEGGER, et al.,  
*Defendants,*

And

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

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Appeal from the United States District Court for the Northern District of California  
Civil Case No. 09-CV-2292 VRW (Honorable Vaughn R. Walker)

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**MOTION FOR LEAVE TO FILE AMICUS BRIEF IN SUPPORT OF  
DEFENDANT-INTERVENORS-APPELLANTS**

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## **CORPORATE DISCLOSURE STATEMENT**

Proposed Amicus Liberty Counsel states, pursuant to Fed. R. App. P. 26.1 that there is no parent corporation or publicly held corporation that owns 10 percent or more of its stock.

Proposed Amicus JONAH Inc. states, pursuant to Fed. R. App. P. 26.1 that there is no parent corporation or publicly held corporation that owns 10 percent or more of its stock.

Proposed Amicus Campaign for Children and Families states, pursuant to Fed. R. App. P. 26.1 that there is no parent corporation or publicly held corporation that owns 10 percent or more of its stock.

Proposed Amici Liberty Counsel, Campaign for Children and Families, and JONAH Inc., by and through their attorneys of record, hereby move this court for permission to file an Amicus Curiae Brief in the above-described case. They make the motion pursuant to Rule FRAP 29, based upon the following:

### **INTEREST OF THE AMICUS CURIAE**

Proposed Amicus Liberty Counsel is a national public policy, education, and litigation firm that has been substantially involved in drafting constitutional amendment, Defense of Marriage Acts (DOMAs) and defending them in courts throughout the country. Liberty Counsel has participated parties and amicus curiae

in cases throughout the United States, including Oregon, Nebraska, Iowa, New York, Maryland, Massachusetts, California, Iowa, and Florida. Liberty Counsel believes the preserving the definition of marriage as the union of one man and one woman is critical to the continued growth and prosperity of California and the rest of the United States. Liberty Counsel, on behalf of Campaign for Children and Families, attempted to intervene in the case below in support of Proposition 8.

Proposed Amicus Campaign for Children and Families is a nonprofit organization dedicated to defending and representing the values of parents, grandparents and concerned citizens who want what's best for this generation and future generations. Campaign for Children and Families has worked since 1999 to educate, equip and activate concerned citizens to promote family-friendly values throughout California, including encouraging California residents to pass legislation and amendments, such as Proposition 8, to protect marriage as the union of one man and one woman.

Proposed amicus JONAH Inc. (JONAH), Jews Offering New Alternatives for Healing, is a non-profit international organization dedicated to educating the world-wide Jewish community about the social, cultural and emotional factors which lead to same-sex attractions. JONAH works directly with those struggling

with unwanted same-sex sexual attractions (SSA) and with families whose loved ones are involved in homosexuality.

Through psychological and spiritual counseling, peer support, and self-empowerment, JONAH seeks to reunify families, to heal the wounds surrounding homosexuality, and to provide hope. JONAH believes that homosexuality is a learned behavior and that anyone can choose to disengage from their same-sex sexual fantasies, arousals, behavior and identity - if motivated and supported in that process. We also believe that with appropriate assistance, same-sex attractions can be reduced or eliminated followed by the subsequent development of one's innate opposite-sex attractions.

JONAH believes those who feel same-sex attraction should be able to make an informed decision about whether they wish to act on their same-sex attraction and identify as gay or whether they wish to journey out of homosexuality. JONAH provides the information needed to make a reasoned choice and then provides resources to those who choose to grow out of same-sex attraction. JONAH teaches that strugglers can journey away from homosexuality with psychological and spiritual help, peer support, and personal empowerment. Its objective is to reunify families, to heal the wounds surrounding homosexuality, and to provide hope that

persons with unwanted same-sex attraction can become the person that G-d intended them to be.

### **REASONS WHY AN AMICUS CURIAE BRIEF IS DESIRABLE**

The constitutional questions before this Court are of great importance not only to California but to the United States and society at large: whether the United States constitution guarantees the right of same-sex couples to marry, thereby striking down an amendment to the California constitution that defines marriage as the union of one man and one woman.

Liberty Counsel has developed a substantial body of information regarding the issues presented by the ultimate constitutional question. Campaign for Children and Families has been engaged in efforts to preserve marriage as between one man and one woman in California for more than a decade. Since 1988, JONAH has helped parents and families find support in dealing with their loved ones' homosexuality and provided support and resources to individual men and women struggling with unwanted same-sex attraction. Proposed Amici believe that it is critical that this Court have the information to be provided in the accompanying Amicus Curiae brief concerning the following: (i) sexual orientation is not entitled to suspect classification because it is not an immutable characteristic; (ii) children need a mom and a dad because the male and female play important, yet different,

roles in each child's development; and (iii) marriage as between one man and one woman serves the state's interest in encouraging procreation between married, opposite-sex couples.

## CONCLUSION

For these reasons, Proposed Amici respectfully request that this Court grant leave to file the accompanying Amicus Curiae Brief.

Dated this 24<sup>th</sup> of September, 2010.

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**CERTIFICATE OF SERVICE**

I am employed at the law firm of Liberty Counsel. I am over the age of 18 and not a party to the within action. My business address is 100 Mountain View Road, Suite 2160, Lynchburg Virginia 24502.

On September 24, 2010, I electronically filed this document through the ECF system, which will send a notice of electronic filing to the parties as shown on the attached **SERVICE LIST** who are registered with the court's ECF system.

Executed on September 24, 2010, at Lynchburg, Virginia.

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