

**U. S. Department of Justice**

Civil Division

*Assistant Attorney General**Washington, D.C. 20530*

February 24, 2011

VIA ECF

Honorable Barbara S. Jones
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Windsor v. United States*, Civil Action No. 10-8435 (BSJ)(JCF)

Dear Judge Jones:

The above-referenced action involves the constitutionality of Section 3 of the Defense of Marriage Act ("DOMA"), 1 U.S.C. § 7. The President and Attorney General have recently made a determination regarding the constitutionality of Section 3. Pursuant to the attached letter, the Attorney General and President have concluded: that heightened scrutiny is the appropriate standard of review for classifications based on sexual orientation; that, consistent with that standard, Section 3 of DOMA may not be constitutionally applied to same-sex couples whose marriages are legally recognized under state law; and that the Department will cease its defense of Section 3 in such cases.

Further, as the Attorney General explained in the attached letter, we hereby "notify the courts of our interest in providing Congress a full and fair opportunity to participate in the litigation in those cases." In addition, we "will remain parties to the case and continue to represent the interests of the United States throughout the litigation."

Respectfully submitted,


Tony West
Assistant Attorney General