

# **RELIGIOUS, CIVIL RIGHTS, AND CHILD ADVOCACY GROUPS SUPPORT SAME-SEX COUPLES IN LEGAL BATTLE TO MARRY**

**California NAACP, Mexican American Legal Defense and Educational Fund, Asian Pacific American Legal Center, California Council of Churches, and California District of the American Academy of Pediatrics Are Among Groups Submitting Friend-of-the-Court Briefs in Landmark California Supreme Court Case**

(San Francisco, CA, September 26, 2007) In 30 amicus briefs submitted today to the California Supreme Court, scores of religious, civil rights, and child advocacy organizations, along with numerous California municipal governments, bar associations, and leading legal scholars, urged the court to put an end to state laws that deny same-sex couples the protections of marriage.

"We are not treating all Californians equally if some can marry and others cannot," said Alice Huffman, President of the California Conference of the National Association for the Advancement of Colored People. "The law should protect all people equally, and all Californians should have the choice to marry," she said. "I am honored to join other civil rights leaders in calling on our state to end its ban on marriage for lesbian and gay couples."

The California NAACP joins more than 90 other civil rights organizations in filing *amicus* briefs. The organization's brief asks the Supreme Court to apply the Court's 1948 decision striking down laws banning interracial marriage to this current case. Longtime civil rights advocate Jon B. Eisenberg authored the NAACP's brief. The NAACP Legal Defense and Education Fund also filed an amicus brief supporting same-sex couples, as did the Howard University School of Law Civil Rights Clinic, in a brief comparing the arguments used in the past to defend laws barring interracial marriage with current arguments used to oppose marriage by same-sex couples.

In another brief, the Mexican American Legal Defense and Education Fund, the National Black Justice Coalition, and numerous other civil rights organizations argued that California courts should subject laws that discriminate on the basis of sexual orientation to the strictest level of constitutional review. The Southern Poverty Law Center and the Equal Justice Society also submitted briefs urging the Court to strike down discriminatory marriage laws.

More than 60 Asian Pacific Islander groups, including the National Asian Pacific American Bar Association, joined an additional brief describing the long history of discrimination against API communities with regard to marriage in California.

Briefs supporting the freedom to marry for same-sex couples were also filed by the cities of Los Angeles, San Diego, San Jose, Long Beach, Oakland, as well as 14 other cities and counties.

The City of San Francisco, represented by San Francisco City Attorney Dennis Herrera, is a party in the case. "I am proud to stand with an unprecedented array of community, religious and legal organizations to urge the court to strike down marriage laws that unconstitutionally discriminate against gay and lesbian partners," said Herrera. "The marriage exclusion has denied too much, to too many California families, for far too long. This broad consensus proves that the time has come for this discrimination to end."

Numerous bar associations also submitted briefs urging the Court to rule in favor of lesbian and gay couples, including the state's largest bar association, the Los Angeles County Bar Association, and the Bar Association of San Francisco, the Santa Clara County Bar Association, the Beverly Hills Bar Association, the California Women Lawyers, and others.

The American Psychological Association, the California Psychological Association, the American Psychiatric Association, the National Association of Social Workers (NASW), and the NASW California Chapter submitted a brief on the three decades of social science research that has consistently found that same-sex couples are just as capable of being good parents as different-sex couples and that their children are just as well adjusted.

A brief by leading California family law professors explained why barring same-sex couples from marriage harms families and violates the California constitution's equal protection guarantee.

The American Academy of Matrimonial Lawyers and the California District of the American Academy of Pediatrics submitted a brief explaining how the children of same-sex couples are harmed when their parents are denied the ability to marry.

More than 400 local, regional, and national religious organizations and clergy also filed an interfaith brief arguing that the constitutional principles of religious freedom and separation of church and state require that same-sex couples must have equal access to civil marriage. Groups joining the brief include the Unitarian Universalist Association of Congregations, the General Synod of the United Church of Christ, the Union for Reform Judaism, Soka Gakkai International-USA, the Universal Fellowship of Metropolitan Community Churches, the California Council of Churches, and California Faith for Equality.

The Rev. Neil Thomas, Chair of California Faith for Equality, said the brief "bears witness to our highest religious values, honoring love, equality and commitment in human relations. This is an important day. We are telling the California Supreme Court that many religious leaders and congregations in California and across the country support equality of all persons before the law."

Legal Momentum, Equal Rights Advocates, and the California Women's Law Center submitted a brief arguing that laws barring same-sex couples from marriage are based on gender stereotypes and unfairly discriminate based on sex.

Gay & Lesbian Advocates and Defenders, the legal group that won the Massachusetts marriage case, filed a brief on behalf of the Equality Federation, a national coalition of state LGBT advocacy groups, arguing that a victory for equality and fairness for same-sex couples in California will improve the climate for LGBT people nationwide. Other LGBT groups that filed amicus groups include Children of Lesbians and Gays Everywhere (COLAGE), Parents, Family, and Friends of Lesbians and Gays (PFLAG), Family Pride, the Human Rights Campaign, Marriage Equality USA, Pride at Work, National Lesbian and Gay Law Association, SacLEGAL, Bay Area Lawyers for Individual Freedom, Lesbian & Gay Lawyers Association of Los Angeles, and Tom Homann Law Association.

Other briefs supporting the couples were filed by former California Supreme Court Justice Joseph Grodin, UC Berkeley Law Professor Jesse Choper, Stanford Law Professors Kathleen Sullivan and Pam Karlan, Yale Law Professor Bill Eskridge, and University of Toronto Professor Noah Novgorodsky. The Charles R. Williams Institute on Sexual Orientation Law and Public Policy at the UCLA School of Law also filed a brief describing the diversity of same-sex couples in California, which is home to more lesbian and gay couples than any other state.

The California Supreme Court is hearing the State's appeal of the March 2005 decision by San Francisco Superior Court Judge Richard Kramer, which held that California's current statutory ban on marriage of same-sex couples violates the California Constitution. The California Court of Appeal reversed Judge Kramer's decision on October 5, 2006.

The plaintiffs in the case are 15 same-sex couples, Equality California, and Our Family Coalition, who are represented by lead counsel National Center for Lesbian Rights, along with co-counsel Lambda Legal, the ACLU, Heller Ehrman White & McAuliffe LLP, and the Law Office of David C. Codell. The City of San Francisco is also a plaintiff in the case, represented by City Attorney Dennis Herrera and Deputy City Attorney Therese Stewart. The briefing process concludes with responses to *amicus* briefs, which are due in October. The Court will set oral arguments at the conclusion of the briefing.

For a complete list of organizations filing amicus briefs supporting the right of same-sex couples to marry, visit [www.lambdalegal.org](http://www.lambdalegal.org) , [www.nclrights.org](http://www.nclrights.org) , [www.aclu.org](http://www.aclu.org) and [www.eqca.org](http://www.eqca.org) .

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**The National Center for Lesbian Rights** is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education. NCLR is lead counsel in *In re Marriage Cases*. [www.nclrights.org](http://www.nclrights.org)

**Lambda Legal** is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work. [www.lambdalegal.org](http://www.lambdalegal.org)

**The American Civil Liberties Union** is America's foremost advocate of individual rights. It fights discrimination and moves public opinion on LGBT rights through the courts, legislatures and public education. [www.aclu.org](http://www.aclu.org)

**Equality California** is a nonprofit, nonpartisan, grassroots-based, statewide advocacy organization whose mission is to achieve equality and civil rights for all lesbian, gay, bisexual and transgender (LGBT) Californians. [www.eqca.org](http://www.eqca.org)