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Amicus Briefs Supporting Repeal of DOMA and Prop 8

<http://big.assets.huffingtonpost.com/12-144tsacUnitedStates.pdf>

http://www.asanet.org/documents/press/pdfs/ASA_Amicus_Brief_Same_Sex_Marriage_News_Release.pdf



In 2010 the Obama administration repealed Don't Ask Don't tell, in 2011 they stopped defending the Defense of Marriage Act, the administration supports the Respect for Marriage Act, which is an appeal of DOMA, President Obama spoke for marriage equality during his campaign and his inaugural speech, the administration extended certain rights to same sex spouses of military members, and as of Thursday February 28, the administration filed an amicus brief in support to strike down California's Proposition 8 as being unconstitutional. The main argument of the 40 page brief is whether Prop 8 violates the equal protection clause under the 14th Amendment.

In the brief it says "The President and Attorney General have determined that classifications based on sexual orientation should be subject to heightened scrutiny for equal protection purposes. Each of the four relevant considerations identified by this Court supports that conclusion: (1) gay and lesbian people have suffered a significant history of discrimination in this country; (2) sexual orientation generally bears no relation to ability to perform or contribute to society; (3) discrimination against gay and lesbian people is based on an immutable or distinguishing characteristic that defines them as a group; and (4) notwithstanding certain progress, gay and lesbian people—as Proposition 8 itself under-scores—are a minority group

with limited power to protect themselves from adverse outcomes in the political process” (Verrilli et al, 2013 p. 1,6-7).

The brief finds that Prop 8 is in violation of the equal protection clause, and it lays out all the reasons it fails heightened scrutiny.

Along with the President the American Sociological Association also filed an amicus brief to the Supreme Court. In the brief ASA President Cecilia Ridgeway states “there is no evidence that children with parents in stable same-sex or opposite sex relationships differ in terms of well-being. Indeed, the greater stability offered by marriage for same-sex as well as opposite sex parents may be an asset for child well-being” (2013 p. 1).

The tide is changing in the U.S. as is evidenced by the support for same-sex marriage from the White House and the ASA; hopefully the Supreme Court will heed their recommendations and overturn both Proposition 8 and the Defense of Marriage Act.