

No. 12-307

In the Supreme Court of the United States

UNITED STATES OF AMERICA, PETITIONER

v.

EDITH SCHLAIN WINDSOR, IN HER CAPACITY AS
EXECUTOR OF THE ESTATE OF THEA CLARA SPYER

*ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT*

**BRIEF OF FORMER FEDERAL INTELLIGENCE
OFFICER AS *AMICUS CURIAE* IN SUPPORT OF
PETITIONER AND RESPONDENT
(Merits)**

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QUESTION PRESENTED

Section 3 of the Defense of Marriage Act (DOMA) defines the term “marriage” for all purposes under federal law, including the provision of federal benefits, as “only a legal union between one man and one woman as husband and wife.” 1 U.S.C. § 7. It similarly defines the term “spouse” as “a person of the opposite sex who is a husband or a wife.” *Id.* The question presented is as follows:

Whether Section 3 of DOMA violates the Fifth Amendment’s guarantee of equal protection of the laws as applied to persons of the same sex who are legally married under the laws of their State.

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INTEREST OF *AMICUS CURIAE*

Amicus curiae Graham M. Segroves served as an employee of the Central Intelligence Agency (CIA or Agency) from 2002 to 2012.¹ During his tenure with the Agency, Mr. Segroves acted in various capacities within the CIA's National Clandestine Service, which is responsible for the coordination, de-confliction, and evaluation of clandestine operations across the United States intelligence community.² For example, from 2002 to 2007, Mr. Segroves served as a Collection Management Officer and Branch Chief, where he managed overseas collection of classified human intelligence on counterterrorism issues for the CIA's Counterterrorism Center; served as a substantive expert on counterterrorism issues involv-

¹ All statements of fact, opinion, or analysis expressed are those of the *amicus* and do not reflect the official positions or views of the CIA or any other United States Government agency. Nothing in the contents should be construed as asserting or implying United States Government authentication of information or the CIA endorsement of the *amicus's* views. This material has been reviewed by the CIA to prevent the disclosure of classified information. No counsel for a party authored this brief in whole or in part, and no person other than the *amicus* or his counsel made a monetary contribution intended to fund the preparation or submission of this brief. Petitioner United States and intervenor Bipartisan Legal Advisory Group of the United States House of Representatives have filed letters with the Clerk granting blanket consent to the filing of *amicus* briefs. Respondent Edith Schlain Windsor's written consent to the filing of this brief has been filed with the Clerk.

² Nat'l Clandestine Serv., U.S. Cent. Intelligence Agency, *Clandestine Service*, <https://www.cia.gov/offices-of-cia/clandestine-service/index.html> (last visited Jan. 30, 2013).

ing Africa, Europe, global terrorism finance, and terrorism involving weapons of mass destruction; and interacted with United States intelligence and law-enforcement personnel to identify, prioritize, and fill intelligence gaps.

From 2009 to 2012, Mr. Segroves helped improve the manner in which the Agency as a whole accomplishes its vital mission using a diverse workforce operating in a world of diverse threats to our national security. He received the CIA Director's Award for Diversity in 2010 for significant impact on awareness and on the corporate strategic view of diversity and inclusion, laying a broad foundation for thinking and acting on diversity within the Agency. In 2011, Mr. Segroves received the Office of the Director of National Intelligence Community Equal Employment Opportunity and Diversity Exceptional Service Award. Moreover, Mr. Segroves served as a chairperson of the CIA's employee group for gay, lesbian, bisexual, and transgender employees and allies, a role that led him to function as an institutional resource and occasional public representative on policy matters affecting Agency employees and applicants for employment. Although Mr. Segroves recently left the CIA to pursue other professional opportunities, he is proud of the fact that, like many federal agencies, the CIA has made significant efforts to maintain a high-performing, engaged, and diverse workforce.

One of the core values of National Clandestine Service employees is to "put country first and Agency

before self.”³ A good number of those employees—past and present—happen to be gay, lesbian, or bisexual. Mr. Segroves is one of them. In 2010, Mr. Segroves’s four-year-old ecclesiastical union to his same-sex partner was formally recognized as a marriage by the laws of the jurisdiction in which he resides. *See* Religious Freedom and Civil Marriage Equality Amendment Act of 2009, D.C. Act No. 18-248, § 2(b), 57 D.C. Reg. 27 (Jan. 1, 2010) (codified at D.C. Code § 46-401(a)).

Since its enactment in 1996, Section 3 of the Defense of Marriage Act (DOMA) has defined the term “marriage” for all purposes under federal law, including the provision of federal benefits, as “only a legal union between one man and one woman as husband and wife.” 1 U.S.C. § 7. It similarly defines the term “spouse” as “a person of the opposite sex who is a husband or a wife.” *Id.*

Mr. Segroves has experienced firsthand DOMA’s discriminatory effect. *See Massachusetts v. U.S. Dep’t of Health & Human Servs.*, 682 F.3d 1, 11 (1st Cir. 2012) (explaining that, “[f]or those married same-sex couples of which one partner is in federal service, the other cannot take advantage of medical care and other benefits available to opposite-sex partners”). More importantly for present purposes, Mr. Segroves understands the negative effect of DOMA on the Federal Government’s ability to attract and retain personnel with skill sets essential to the defense of

³ Nat’l Clandestine Serv., U.S. Cent. Intelligence Agency, *Core Values*, <https://www.cia.gov/offices-of-cia/clandestine-service/code-of-ethics.html> (last visited Jan. 30, 2013).

national security. Accordingly, Mr. Segroves brings a unique perspective to the primary question presented by this case: namely, whether Section 3 of DOMA violates the Fifth Amendment's guarantee of equal protection of the laws as applied to persons of the same sex who are legally married under the laws of their State.

SUMMARY OF ARGUMENT

The Federal Government is the Nation's largest employer. It does not make widgets, however. Instead, one of the Federal Government's most essential functions is to defend national security. Our Nation's foreign enemies typically speak languages far different from our own, practice customs far different from our own, and, in some cases, do not recognize our right to exist. As a result, the threats that face our Nation today are exceedingly complex. Our defense against those threats requires a diverse workforce of dedicated public servants with unique skill sets, including the ability to speak foreign languages, understand foreign customs, operate discreetly within foreign nations, and develop leading-edge technologies.

DOMA hampers the Federal Government's ability to attract and retain the personnel necessary to meet these unique challenges. Mr. Segroves observed this effect firsthand through his interactions with applicants and potential applicants for CIA employment, who expressed to him their hesitations to apply for or accept an offer of employment without the opportunity for their same-sex spouses to be accorded benefits equal to those offered opposite-sex spouses. By treating legally married gay, lesbian, and bisexual Americans as if they are unmarried, DOMA dis-

suades countless patriotic and intelligent Americans from entering or continuing federal service, regardless of the agency involved. Therefore, in addition to its negative effect on private individuals, DOMA harms the Federal Government itself as an institution based on privately held religious or moral beliefs that, while subject to respect and protection under the First Amendment, have no place in the codification of laws that bind all Americans. *See Lawrence v. Texas*, 539 U.S. 558, 571 (2003) (“Our obligation is to define the liberty of all, not to mandate our own moral code.”) (internal quotation marks and citation omitted); *City of Cleburne, Tex. v. Cleburne Living Ctr., Inc.*, 473 U.S. 432, 448 (1985) (“Private biases may be outside the reach of the law, but the law cannot, directly or indirectly, give them effect.”) (internal quotation marks and citation omitted).

ARGUMENT

DOMA HAMPERS THE FEDERAL GOVERNMENT’S ABILITY TO ATTRACT AND RETAIN PERSONNEL WITH SKILL SETS ESSENTIAL TO THE DEFENSE OF NATIONAL SECURITY

In the course of evaluating the stated reasoning of DOMA’s legislative proponents and the *post hoc* rationalizations since advanced in defense of the statute’s constitutionality, it should not be forgotten that DOMA’s negative effects extend inward as well as outward. As demonstrated by the facts of this case, DOMA discriminates against private individuals with no employment relationship to the Federal Government, withholding from them equal protection of the laws. However, because DOMA also governs the entire federal workforce, the statute has the unintended consequence of harming the Federal

Government as an institution. Nowhere is this more troublesome than in the area of national security.

A. Workforce Diversity Is Essential to the Defense of National Security

The threats to our national security are exceedingly complex. For example, approximately two years after DOMA's enactment, American embassies in two African countries—Kenya and Tanzania—were bombed by agents of al Qaeda. *See The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States* 115-16 (2004). On September 11, 2001, agents of al Qaeda murdered thousands on American soil. *Id.* at 316. “Countering terrorism has become, beyond any doubt, the top national security priority for the United States.” *Id.* at 361.

Our Nation's principal foreign enemies typically speak languages far different from our own, practice customs far different from our own, and do not wear military uniforms readily identifying themselves as combatants. To face these complicated threats, our Nation requires dedicated public servants with specialized skill sets, including the ability to speak foreign languages, understand foreign customs, and operate discreetly within foreign nations. This, in turn, requires a diverse workforce. As one former CIA Director explained in describing the critical value diversity plays at the Agency: “Excellence in foreign intelligence requires broad perspectives, both

in our understanding of a complex world and in our approach to problems and solutions.”⁴

In order for the CIA to accomplish its vital mission, the Agency itself has declared that it must employ a workforce

as diverse as America itself—the most diverse nation on earth. Diversity reflects the unique ways we vary as Intelligence Officers—our nationality, race, ethnicity, gender, age, language, culture, sexual orientation, education, values, beliefs, abilities, and disabilities. These assorted attributes create different demographic, functional, and intellectual views, which are so vital to our innovation, agility, collection, and analysis.⁵

The CIA is by no means alone in this regard within the United States intelligence community. As explained by the head of the agency responsible for integrating the analysis and collection of intelligence by multiple different agencies:

⁴ David H. Petraeus, Dir., U.S. Cent. Intelligence Agency, *Diversity at CIA: The Critical Value of Diversity* (2012), available at <https://www.cia.gov> (last visited Jan. 30, 2013); see also Press Release, U.S. Cent. Intelligence Agency, *Director Leon E. Panetta Speaks on the Importance of Workforce Diversity* (Mar. 15, 2011) (explaining that diversity is “crucial to our intelligence mission” and that “[i]f a citizen wants to serve his or her country in the field of intelligence, it is fundamentally wrong if things like race, sexual orientation, cultural heritage, or disability stand in the way”), available at <https://www.cia.gov> (last visited Jan. 30, 2013).

⁵ U.S. Cent. Intelligence Agency, *Diversity*, <https://www.cia.gov/careers/diversity/index.html> (last visited Jan. 30, 2013).

In the midst of increasingly complex and ever-evolving threats, our fellow Americans must know that they can count on us to deliver timely and accurate intelligence. To achieve this, we must foster fairness, equity, and inclusion to create workplace environments where all employees are treated with respect and dignity.⁶

Despite these good-faith intentions to maintain workplaces free from discrimination on the basis of sexual orientation, the Federal Government's hands have been tied by DOMA when it comes to treating its employees' married same-sex spouses as such. As a matter of general practice, federal agencies do not

⁶ James R. Clapper, Dir., U.S. Office of Nat'l Intelligence, *Statement on Intelligence Community Equal Employment Opportunity and Diversity* (2010), available at <http://www.dni.gov> (last visited Jan. 30, 2013); see also *Intelligence Community Joint Statement on Commitment to Equal Employment Opportunity and Diversity* (2013) ("Our need to recruit and retain a high-performing, mission-aligned workforce, reflective of the diversity of our country and the world cannot be overstated.") (copy reproduced in appendix); U.S. Nat'l Sec. Agency, *Diversity*, <http://www.nsa.gov/careers/diversity/index.shtml> (last visited Jan. 30, 2013) ("Diversity is a collection of different perspectives. It's the intelligence that grows from your religion and race, your traditions and social sensibilities, ethnicity, lifestyle, family structure, upbringing, and more."); U.S. Def. Intelligence Agency, *Diversity*, <http://www.dia.mil/careers/diversity> (last visited Jan. 30, 2013) ("The Defense Intelligence Agency's success depends on the skills of its diverse workforce and a shared commitment to executing the defense intelligence mission. . . . [A] richly diverse workforce, with a broad range of skills, capabilities and perspectives is only achieved through thoughtful recruitment, development, and retention activities.").

consistently collect workforce data regarding the number of gay, lesbian, or bisexual federal employees, which inhibits precise quantification of DOMA's negative impact on the federal workforce. Government service by such individuals, however, is by no means a recent or isolated phenomenon. *See, e.g.*, David K. Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (2004). Moreover, both the Executive and Legislative Branches have recognized the value of government service by gays, lesbians, and bisexuals in the defense of national security. *See, e.g.*, Exec. Order 12,968, § 3.1(c), 60 Fed. Reg. 40,245, 40,250 (Aug. 7, 1995) ("The United States Government does not discriminate on the basis of . . . sexual orientation in granting access to classified information."); Exec. Order 13,087, § 1, 63 Fed. Reg. 30,097 (June 2, 1998) (prohibiting discrimination based upon sexual orientation within Executive Branch civilian employment); Don't Ask, Don't Tell Repeal Act of 2010, Pub. L. No. 111-321, § 2, 124 Stat. 3515 (creating administrative process for repealing policy of requiring members of the Armed Services to keep their sexual orientation secret, which policy was repealed on July 22, 2011).

In short, "valor and sacrifice are no more limited by sexual orientation than they are by race or by gender or by religion or by creed." Presidential Statement on Signing the Don't Ask, Don't Tell Repeal Act of 2010, *as reprinted in* 2010 U.S.C.C.A.N. vol. 5, S47. Accordingly, the CIA actively recruits gay, lesbian, and bisexual employees with skill sets essential to the defense of national security. As one Agency official recently explained: "[W]e want the

best and the brightest regardless of your sexual orientation.” *Mission Diversify: CIA Begins LGBT Recruiting* (Nat’l Pub. Radio, All Things Considered, broadcast Dec. 2, 2012); *see also* Press Release, U.S. Cent. Intelligence Agency, *CIA Serves as Corporate Sponsor for National LGBT Conference* (Nov. 8, 2012) (explaining that the CIA helped sponsor a conference for gay, lesbian, and bisexual science, technology, engineering, and mathematics professionals “as part of its nationwide outreach to diverse communities with mission-critical talent”), *available at* <https://www.cia.gov> (last visited Jan. 30, 2013); U.S. Cent. Intelligence Agency, *Sexual Orientation and the CIA: Answers to Common Questions* (2006) (providing information tailored to gay, lesbian, or bisexual potential applicants for CIA employment), *available at* https://www.cia.gov/careers/pdf/ads/CCB10642_AngleBroch.pdf (last visited Jan. 30, 2013).

B. DOMA Negatively Affects Employee Recruitment and Retention In Areas Critical to National Security

As the Court is well aware, pecuniary gain is not the principal reason most highly educated individuals choose to work for the Federal Government. For such individuals, employment in the private sector typically brings with it financial rewards that cannot be matched by the federal taxpayer. As a result, the Federal Government already finds itself at an inherent disadvantage in the so-called “war for talent.” *See* Nancy E. Day & Patricia G. Greene, *A Case For Sexual Orientation Diversity Management in Small and Large Organizations*, 47 Hum. Res. Mgmt. 637, 639 (2008).

DOMA further exacerbates that inherent disadvantage by precluding federal agencies from extending to legally married same-sex spouses most of the benefits offered to opposite-sex spouses by private employers. *See Hearing on H.R. 2517, Domestic Partnership Benefits & Obligations Act of 2009, Before the Subcomm. on Fed. Workforce of the H. Comm. on Oversight & Gov't Reform*, 111th Cong. 51 (2009) (statement of John Berry, Dir., U.S. Office of Personnel Mgmt.) (explaining that over 80 percent of Fortune 100 companies offered benefits to their employees' same-sex partners at that time) (*House Hr'g*). This departure from uniformity with regard to recognizing valid marriages, in turn, hampers the Federal Government's ability to recruit the personnel necessary to meet the unique security challenges facing our Nation.

Mr. Segroves observed this effect firsthand through his interactions with applicants and potential applicants for CIA employment, who expressed to him their hesitations to apply for or accept an offer of employment without the opportunity for their same-sex spouses to be accorded benefits equal to those offered opposite-sex spouses. This negative effect will only grow stronger with time as younger generations of professionals become increasingly unwilling to work for employers who discriminate in the provision of benefits based on sexual orientation. *See, e.g., Pew Research Ctr., The Generation Gap and the 2012 Election* 84 (Nov. 3, 2011) (discussing generational attitudes toward same-sex marriage), available at <http://www.people-press.org> (last visited Jan. 30, 2013).

DOMA's damage to the Federal Government as an institution does not end at the stage of recruiting employees, however. As in almost every employment context, retention of high-performing employees is of paramount importance given the high cost of employee turnover. *See* David G. Allen, *Retaining Talent: A Guide to Analyzing and Managing Employee Turnover* 3 (SHRM Found. 2008) (discussing research demonstrating direct-replacement costs as high as 60 percent of an employee's annual salary). This is especially true in the context of agencies within the American intelligence community, all of which rely on employees with security clearances. As explained in recent congressional testimony by the head of the Office of Personnel Management, DOMA

undermines the Federal Government's ability to . . . retain the Nation's best workers. . . . We spend quite a bit of money doing security clearances on employees, and after they have that clearance, that clearance goes with the employee, not with the position. And so, essentially, if an employee can be recruited away, these are the kinds of tools where we can invest a lot of money, and then that employee walks out the door to [a private employer] who need employees with security clearances.

House Hr'g at 51-52 (statement of John Berry, Dir., U.S. Office of Personnel Mgmt.); *see also id.* at 64 (explaining that the Federal Government spends as much as \$15,000 per employee when conducting security-clearance investigations); U.S. Gov't Accountability Office, *Human Capital: Federal Workforce Challenges in the 21st Century*, Rep. No. GAO-07-556T, at 7 (2007) ("Faced with a workforce that is

becoming more retirement-eligible and finding gaps in talent because of changes in the knowledge, skills, and competencies in occupations needed to meet their missions, agencies need to strengthen their efforts and use of available flexibilities to acquire, develop, motivate, and retain talent.”).

At a time when the CIA, like many federal agencies, “strives to embody the values of teamwork, diversity, fairness, respect and inclusion and to be an employer of choice because of these attributes,”⁷ DOMA dissuades countless patriotic and intelligent Americans from continuing government service in areas critical to national security. However, DOMA also has more subtle negative effects on the Federal Government as an institution by altering the assignment choices, career paths, and promotion-meriting experiences of gay, lesbian, and bisexual employees at many federal agencies.

For example, an employee of a domestic-oriented agency may perceive that a different assignment within her agency but at another geographic location would match her skills to a critical mission need, yet hesitate to apply for or accept that assignment because of heightened uncertainty about her same-sex spouse’s access in the new location to employer-provided health insurance. Similarly, an employee at a foreign service agency may opt out of a dangerous overseas assignment because he perceives added risk to his same-sex spouse, since DOMA prevents his

⁷ Press Release, U.S. Cent. Intelligence Agency, *CIA Officer Receives EEOD Award* (Nov. 1, 2012), available at <https://www.cia.gov> (last visited Jan. 30, 2013).

spouse from accessing such fundamental safeguards as federal pension survivorship benefits accorded to opposite-sex spouses.

In each of these illustrative examples, variations of which Mr. Segroves encountered firsthand, federal employees must weigh their commitment to the Federal Government's mission against the additional sacrifices their spouses would endure beyond the burdens typically borne by opposite-sex spouses. Employees who decline advantageous career opportunities for the sake of avoiding the uncertainty DOMA causes often risk slower career advancement; meanwhile, the Federal Government experiences the harm of failing to engage some of its best and brightest employees in the critical mission roles for which they are best suited, merely because DOMA prevents the government from recognizing all legal marriages.

CONCLUSION

Over half a century ago, the United States submitted a brief in a case before the Court with no less constitutional significance than this one, explaining:

The proposition that all men are created equal is not mere rhetoric. It implies a rule of law—an indispensable condition to a civilized society—under which all men stand equal and alike in the rights and opportunities secured to them by their government. Under the Constitution every agency of government, national and local, legislative, executive, and judicial, must treat each of our people as an *American*, and not as a member of a particular group classified on the basis of race or some other constitutional irrelevancy.

Br. for U.S. as *Amicus Curiae* at 3, *Brown v. Bd. of Educ. of Topeka, Kan.*, OT-1952 No. 8 (U.S. Dec. 3,

1952), *available at* 1952 WL 82045. Sexual orientation is just as much a “constitutional irrelevancy” as race, religion, color, and gender. It should be held as such—especially where, as here, legislation founded upon that constitutional irrelevancy hampers the Federal Government’s ability to attract and retain personnel with skill sets essential to the defense of national security.

For the reasons stated above and in the briefs submitted by the United States and respondent, the judgment of the court of appeals should be affirmed.

Respectfully submitted.

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APPENDIX

**Intelligence Community Joint Statement
on Commitment to Equal Employment
Opportunity and Diversity**

[2013]

The Intelligence Community's (IC) mission is to create decision advantage and protect our nation's interests at home and abroad through the integrated analysis and collection of information. A highly skilled workforce is essential to insightful, responsive, and responsible intelligence operations. The IC must exemplify the highest values to be successful in building and retaining a multicultural, multigenerational workforce. We define diversity in a broad context, but also in relation to the mission, considering all aspects that make individuals unique and America strong—race, color, ethnicity, national origin, gender, age, religion, language, disability, sexual orientation, gender identity and heritage.

Our need to recruit and retain a high-performing, mission-aligned workforce, reflective of the diversity of our country and the world cannot be overstated. Our goal is to develop a workforce that can operate in a wide range of circumstances and situations and is ready to tackle an even wider range of challenges. The knowledge, perspectives, ideas, and experiences of all IC employees are vital to the success of our global mission.

The key to promoting diversity is leadership. As leaders, we are called to have more than a general endorsement of diversity efforts; our commitment to a diverse workforce must be visible, specific, persistent, intentional, and personal. Every senior executive, manager, and supervisor should ensure that the workplace for which they are responsible runs on the

principles of equity, fairness, and inclusion. All IC element directors are expected to also be responsible for results and evaluated at intervals during our strategic planning sessions.

Equally important is a well-crafted roadmap to achieve success—created through the design and implementation of innovative and effective Equal Employment Opportunity (EEO), Diversity, and Human Capital programs, policies, and processes. We are currently updating our five-year IC EEO and Diversity Strategic Plan and the IC Strategic Human Capital Plan, both of which are linked to the National Intelligence Strategy. All IC elements have strategic or implementation plans that are linked to the IC strategy. We will continue to revise our policies and processes to ensure all employees are able to participate and contribute to their fullest potentials.

Diversity brings innovation and creativity to the workplace, combats group-think, and demonstrates our commitment to inclusion and respect for all people. Achieving diversity and creating a culture where everyone is valued is everyone's business. We encourage each of you to make diversity a priority; share your own values with a little personal history. Your efforts will enable us to achieve our vision of a diverse and highly-integrated Intelligence Community of the future. This is a critical moment in our nation's history. With your support, we will work together to advance our global mission and ensure that the diversity of the country we serve is displayed proudly in the work of the IC.

To show integration, collaboration, and a broad commitment to EEO, diversity, and inclusion in the IC; and to emphasize the value we place on our em-

employees and having a workplace free of discrimination, we the undersigned commit to this joint statement.

s/James R. Clapper
James R. Clapper
Director of National Intelligence

s/Michael J. Morell
Michael J. Morell
Acting Director, Central Intelligence Agency

s/Michael T. Flynn
Michael T. Flynn
Lieutenant General, U.S. Army
Director, Defense Intelligence Agency

s/Keith B. Alexander
Keith B. Alexander
General, U.S. Army
Director, NSA/Chief, CSS

s/Betty J. Sapp
Betty J. Sapp
Director, National Reconnaissance Office

s/Letitia A. Long
Letitia A. Long
Director, National Geospatial-Intelligence Agency

s/Mary A. Legere

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Lieutenant General, U.S. Army
Deputy Chief of Staff, G-2

s/Kendall L. Card

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Vice Admiral, U.S. Navy
Director, Naval Intelligence

s/Larry D. James

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Lieutenant General, U.S. Air Force
Deputy Chief of Staff
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s/Christopher J. Tomney

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s/Edward B. Held

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s/Philip S. Goldberg

Philip S. Goldberg
Assistant Secretary, Bureau of
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s/S. Leslie Ireland

S. Leslie Ireland
Assistant Secretary
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s/Rodney G. Benson

Rodney G. Benson
Chief, Intelligence Division
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s/Caryn A. Wagner

Caryn A. Wagner
Under Secretary
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