



For immediate release
DATE TBA, 2010

Contact: Carisa Cunningham
Office: (617) 426-1350
Cell: (617) 447- 6500

Laura Kiritsy
Office: (617) 778-6723
Cell: (617) 851-6720

GLAD Lawsuit Results in Federal Court Striking Down DOMA Section 3

Today, U.S. District Court Judge Joseph L. Tauro ruled that Section 3 of the Defense of Marriage Act (DOMA) is unconstitutional with respect to claims brought by seven married same-sex couples and three widowers from Massachusetts. Under the ruling, the plaintiffs are entitled to the same federal spousal benefits and protections as every other married couple.

The ruling stems from the lawsuit *Gill et al v. Office of Personnel Management et al*, filed by Gay & Lesbian Advocates & Defenders (GLAD) in March 2009.

“Today the Court simply affirmed that our country won’t tolerate second-class marriages,” said Mary Bonauto, GLAD’s Civil Rights Project Director, who argued the case. “I’m pleased that Judge Tauro recognized that married same-sex couples and surviving spouses have been seriously harmed by DOMA and that the plaintiffs deserve the same opportunities to care and provide for each other and for their children that other families enjoy. This ruling will make a real difference for countless families in Massachusetts.”

“I am thrilled that my family will now be treated in the same way as those of my married co-workers at the post office,” said Nancy Gill, who is a plaintiff with her spouse, Marcelle Letourneau. “Marcelle and I married out of love and commitment to each other first and foremost, but federal recognition of our marriage means that we’ll have equal access to important protections for our two children and for ourselves.”

Gill is a 22-year employee of the U.S. Postal Service who cannot cover Letourneau on her family health and vision insurance plans, forcing the couple to pay extra to insure Letourneau. Marcelle is also ineligible to receive the federal health benefit given to surviving spouses or to access Nancy’s pension should Nancy predecease her.

The next step in the case is for the federal government to decide whether it will appeal Judge Tauro's ruling to the U.S. Court of Appeals for the First Circuit. That decision should come within the next 60 days.

Congress passed DOMA in 1996. Section 3 of the law states that only a marriage between one man and one woman will be recognized for federal purposes. The Obama Administration called the law discriminatory, even while defending it in court.

GLAD filed the *Gill* case on the grounds that DOMA Section 3 violates the federal constitutional guarantee of equal protection as applied to federal income tax, Social Security, federal employees and retirees and the issuance of passports. The passport issue was resolved in 2009 when the State Department changed its policy.

Co-counsel in the *Gill* case included attorneys from the firms Foley Hoag LLP, Sullivan & Worcester LLP, Jenner & Block LLP, and Kator, Parks & Weiser, PLLC.

Details about the case, the plaintiffs, and the attorneys representing them can be found at <http://www.glad.org/doma>.

Read Judge Tauro's ruling: <http://www.glad.org/uploads/docs/cases/2010-07-08-gill-district-court-decision.pdf>

Gay & Lesbian Advocates & Defenders is New England's leading legal organization dedicated to ending discrimination based on sexual orientation, HIV status, and gender identity and expression.

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