



**For immediate release**  
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## **GLAD's Statement on DOJ Motion to Dismiss *Gill* DOMA Lawsuit**

The Department of Justice has filed a motion to dismiss today in *Gill v. Office of Personnel Management*, GLAD's lawsuit challenging Section 3 of the Defense of Marriage Act.

Mary L. Bonauto, GLAD's Civil Rights Project Director and co-lead counsel in *Gill*, said "Nothing in the government's brief addresses the fact that DOMA is the sole exception in a long history of the federal government deferring to the states' determination that people are married. Obviously we disagree with any argument that DOMA is constitutional. Married same-sex couples are being treated differently from other married couples. To us, that's a clear-cut violation of the promise of equal protection."

Gary Buseck, GLAD's Legal Director said, "We're seeking justice for the widows and widowers who are denied death benefits, for people who can't get on their spouse's health plan, for parents who can't file taxes jointly and pay thousands extra each year that they could put away for their children's education or family emergencies."

"There is nothing in the brief that we are unprepared to deal with," added Bonauto. "We're pleased that the issues have now been joined and the case is moving toward resolution, because every day, an increasing number of families – not just our plaintiffs – are being harmed by DOMA. We're confident in the justice of our cause and the strength of our case."

GLAD filed its challenge to DOMA Section 3 in U.S. District Court on March 3, 2009, and filed an amended complaint in July on behalf of 8 Massachusetts married couples and 3 widowers who have been harmed by the law. In July, GLAD scored its first victory in the case when the State Department changed its passport name change policy and plaintiff Keith Toney was for the first time able to get a passport in his correct, married name.

*Gill* has been described as "a carefully planned case quietly underway in Massachusetts federal court [that] could be the gay marriage test with the greatest national impact" by the *National Law Journal*. More information on the case is available at [www.glad.org/doma](http://www.glad.org/doma). The DOJ brief can be read at <http://tinyurl.com/gill-doj-mtd>.

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

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