



**For immediate release  
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## **GLAD Statement on Commonwealth of Massachusetts Lawsuit Challenging Section 3 of the Federal Defense of Marriage Act (DOMA)**

*Statement of Gary Buseck, Legal Director of Gay & Lesbian Advocates & Defenders*

In filing *Commonwealth v. United States Department of Health and Human Services*, the Commonwealth of Massachusetts and Attorney General Martha Coakley today uphold the Commonwealth's long tradition as a national civil rights leader and take a major step towards ensuring that all its citizens are treated equally by the federal government. We applaud the Commonwealth's move to protect legally married same-sex couples from the harms caused by federal discrimination.

Section 3 of the so-called Defense of Marriage Act (DOMA) represents an unprecedented intrusion by the federal government into the traditional and historical power of the states to make determinations of marital status. By refusing to recognize any marriage of same-sex couples—and by denying these couples access to all federal rights, protections and responsibilities related to marriage—the federal government steps in and overrides these state-sanctioned marriages. The Commonwealth's lawsuit seeks to uphold the traditional division of power between the federal and state governments as it has always been regarding marriage.

Same-sex couples have been marrying in Massachusetts for over five years. In March 2009, GLAD filed its own challenge to Section 3 of DOMA on behalf of six married same-sex couples and three men whose spouses had died. The issues in *Gill v. Office of Personnel Management* involve federal income taxes, Social Security, and federal employees' and retirees' benefits.

The federal government should treat these Massachusetts couples—and all married same-sex couples—the same as any other legally married couple, with all the benefits, protections and responsibilities that come with marriage. It's a simple matter of fairness and equality. We have never had first and second-class marriages in this country. We should not start now.

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

For complete information about GLAD's DOMA Section 3 challenge, visit [www.glad.org/doma](http://www.glad.org/doma).