

Martha E. Hardy

Marriage equality

Same-sex marriage in the United States

The first half of 2013 has been a season of change in the United States regarding the legal status of same-sex marriage. During the first two weeks of May, three state legislatures passed legislation legalizing same-sex marriage: the Delaware law was signed on May 2, followed by Rhode Island on May 7, and Minnesota on May 14, 2013.¹ Once these laws take effect, same-sex marriage will be legal in 12 states.²

Earlier this spring, the U.S. Supreme Court heard two pivotal cases regarding the legal status of same-sex marriage. The first case, *United States v. Edith Schlain Windsor*; *In Her Capacity as Executor of the Estate of Thea Clara Spyer, et al. (United States v. Windsor)*, concerns the Defense of Marriage Act, commonly known as DOMA. Edith Windsor legally married Thea Spyer in Canada, but when Spyer died, Windsor was required to pay \$363,053 in estate taxes that she would not have had to pay if Spyer had been considered her legal spouse. Several other federal cases related to DOMA remain pending per the Supreme Court decision regarding *United States v. Windsor*.

The second case, *Dennis Hollingsworth, et al., v. Kristin M. Perry, et al. (Hollingsworth v. Perry)*, pertains to two couples who were unable to obtain marriage licenses in California due to Proposition 8. Proposition 8 amended California's state constitution to overrule the California Supreme Court's decision that same-sex couples could legally marry. At the time of this writing, decisions are expected from the Supreme Court in June 2013.³

With so much change happening so quickly, it can be difficult to keep track of all of the legal changes regarding same-sex marriage. In addition to current news, the resources listed below provide background information regarding public opinion, the history of same-sex marriage in the United States, plus organizations that support and oppose legalization of same-sex marriage.

News

- **JURIST, Same-Sex Marriage.** This newsfeed from JURIST covers news about same-sex marriage from the United States and international news. The brief posts link to copious citations to news stories, research reports, statutes, and legal cases. JURIST also includes feature stories about DOMA, Proposition 8, state laws pertaining to same-sex marriage, and the adoption and parental rights of same-sex couples. Stories are written by students and faculty from the University of Pittsburgh School of Law. Access: <http://jurist.org/currentawareness/samesex.php>.



Martha E. Hardy is reference and instruction librarian at Metropolitan State University in St. Paul, Minnesota, e-mail: martha.hardy@metrostate.edu

© 2013 Martha E. Hardy

• **SCOTUSblog, Special Feature: Same-Sex Marriage.** SCOTUSblog is the first place to go for Supreme Court news. Posts provide insightful analysis of Supreme Court actions in easy-to-understand language. SCOTUSblog includes bios for all authors and discloses their professional affiliations. While SCOTUSblog is independent, it is sponsored by the company Bloomberg Law. *Access:* <http://www.scotusblog.com/category/special-features/same-sex-marriage/>.



Background information

• **Filings in the Defense of Marriage Act and California's Proposition 8 Cases, Supreme Court of the United States.** This page on the U.S. Supreme Court's Web site lists and links to all of the case filings in both *Hollingsworth v. Perry* and *United States v. Windsor*. *Access:* <http://www.supremecourt.gov/docket/DOMP8.aspx>.

• **FindLaw, Same Sex Marriage.** This section of the FindLaw site offers a useful collection of articles that provide background information about same-sex marriage in the United States. These plain language articles include a brief history of same-sex marriage in the United States, the distinctions between same-sex marriage, civil unions and domestic partnerships, a summary of states that allow same-sex marriage, and a summary of recent legislative and court decisions regarding same-sex marriage. FindLaw was established by law librarians in 1995, bought by West in 2001, and is now part of Thomson Reuters. It is a commercial operation that offers a legal directory, marketing and social media services for attorneys, and sells legal forms and legal information to consumers at no charge. *Access:* <http://family.findlaw.com/marriage/same-sex-marriage/>.

• **Gay Marriage and Homosexuality, The Pew Forum on Religion and Public Life.** The Gay Marriage and Homosexuality section of the Pew Forum on Religion and Public Life's Web site presents extensive public opinion data and analysis reports regarding same-sex marriage in the United States, along with an overview of the views of religious groups about same-sex marriage, a review of the legal status of same-sex marriage around the world, and breaking news about same-sex marriage. The forum conducts original research regarding the impact of religion on public affairs both in the United States and internationally. It is one of seven projects that comprise the nonprofit, nonpartisan Pew Research Center, which is funded by the Pew Charitable Trusts. *Access:* <http://www.pewforum.org/Topics/Issues/Gay-Marriage-and-Homosexuality/>.

• **The Williams Institute.** The Williams Institute is a think tank and research institute at the UCLA School of Law. It was founded and funded in 2001 by Charles R. "Chuck" Williams, who has donated more than \$13 million to the institute. The institute's Web site provides access to extensive original research reports about same-sex marriage, including a series of reports about the potential economic impact of legalization of same-sex marriage in each state. Other research topics include LGBT demographic analyses based on the U.S. Census, transgender issues, violence and crime, school safety, and more. *Access:* <http://williamsinstitute.law.ucla.edu/>.



the
Williams
INSTITUTE

Chronologies

• **Gay Marriage Chronology, Los Angeles Times.** This colorful, interactive map of the United States shows which states have passed which types of legislation regarding same-sex marriage, including constitutional amendments, legislative bans on same-

sex marriage, domestic partnerships, civil unions, recognition of same-sex marriages performed elsewhere, and legal same-sex marriages. One can use a chronological slider to see how these laws have changed nationally from January 1, 2000, right up until April 25, 2013, showing the passage of the same-sex marriage bill in Rhode Island on April 24. *Access:* <http://graphics.latimes.com/usmap-gay-marriage-chronology/>.

- **National Gay Marriage Laws, Associated Press.** In 2012, the Associated Press (AP) created a visual representation of the laws pertaining to same-sex marriage on an interactive map (data have been updated as recently as March 2013). One can click on a state to see the pertinent laws for that state or can use a timeline slider to see laws in each state in a particular year by type, represented on a national map. A second interactive graphic is a line graph that shows how public opinion about legally recognizing same-sex unions has changed from 1996 to 2012. Data sources include AP and Gallup. *Access:* <http://hosted.ap.org/interactives/2012/gay-marriage-html/>.

Public opinion

- **Changing Attitudes on Gay Marriage, Pew Forum on Religion and Public Life.** In a series of interactive graphs, this slide show from the Pew Forum on Religion and Public Life show how public opinion about same-sex marriage has changed over the past 12 years. The data are presented by the generations, genders, political parties, races, and religions of poll respondents. The data in these graphs are compiled from polls conducted by Pew. *Access:* <http://features.pewforum.org/same-sex-marriage-attitudes/>.

- **Same-Sex Relations, Gallup.** Gallup conducts frequent public opinion polls about acceptance of LGBT people, support for legalization of same-sex marriage, the number of people who identify as LGBT, and much more. Reports on many of these polls are linked to this Same-Sex Relations page through topic tags. Search the Gallup site to find additional relevant research reports.

Access: <http://www.gallup.com/tag/Same-Sex%2bRelations.aspx>.

Same-sex marriage in individual states

- **Lambda Legal, Status of Same-Sex Relationships Nationwide.** Lambda Legal is a nonprofit organization that works for full civil rights for LGBT people. They provide pro bono legal representation for high-impact cases, advocates for public policy changes, and conducts public education campaigns about LGBT civil rights. The Web site provides a helpful guide to states that have legalized same-sex marriage, offer civil unions or domestic partnerships to persons of the same gender, extend some benefits to same-sex couples, and those that have constitutional amendments that prohibit same-sex couples. *Access:* <http://www.lambdalegal.org/publications/nationwide-status-same-sex-relationships>.

- **National Conference of State Legislatures, Same-Sex Marriage Laws.** The National Conference of State Legislatures (NCSL) provides a list of current state laws regarding same-sex marriage, along with a brief history of each. The



NATIONAL CONFERENCE
of STATE LEGISLATURES

site has been updated to include information about the law recently passed in Rhode Island.

Elsewhere on the site, NCSL provides information on state laws pertaining to domestic partnerships and civil unions, definitions of terms pertaining to same-sex marriage laws, and more. NCSL serves the staff and members of state legislators. It is a bipartisan organization. *Access:* <http://www.ncsl.org/issues-research/human-services/same-sex-marriage-laws.aspx>.

Organizations supporting legalization of same-sex marriage

- **American Civil Liberties Union.** The

American Civil Liberties Union (ACLU) is representing the plaintiff in *United States v. Windsor*; which, at the time of this writing, is pending before the Supreme Court. Founded in 1920, ACLU works for preservation of civil liberties in the United States through education, advocacy, and litigation. It is a nonpartisan, nonprofit organization. Access: <http://www.aclu.org/>.

- **American Foundation for Equal Rights.** The American Foundation for Equal Rights (AFER) was founded to legally challenge Proposition 8. It represents the plaintiffs in *Hollingsworth v. Perry*, the lawsuit challenging Proposition 8 that is currently under review by the Supreme Court. The AFER Web site includes copious information about the case, including a detailed timeline, links to legal filings, and court hearing transcripts. Access: <http://www.afer.org/>.

- **Gay & Lesbian Advocates & Defenders.** Gay & Lesbian Advocates & Defenders (GLAD) advocates for the rights of LGBT people and people living with HIV/AIDs. Founded in 1978, GLAD litigates cases pertaining to transgender rights, immigration, hate crimes, prisoners' rights, and more. GLAD coordinated strategy for submitting amicus briefs opposing DOMA in relation to the *United States v. Windsor v. Supreme Court* case. Two other challenges to DOMA brought by GLAD—*Pedersen v. Office of Personnel Management* and *Gill v. Office of Personnel Management*—are being held in the Supreme Court pending review of the Windsor case. The GLAD Web site includes a comprehensive list of amicus briefs filed with the Supreme Court supporting and opposing DOMA. Access: <http://www.glad.org/>.

- **Lambda Legal.** For more than 45 years, Lambda Legal has worked to reduce discrimination against LGBT people and people living with HIV/AIDS through litigation, advocacy, and education. Primary issues of focus for this nonprofit organization include healthcare,

transgender rights, workplace fairness, youth rights, rights of seniors, and more. Lambda Legal brought suit in federal court on behalf of the plaintiff in *Golinski v. Office of Personnel Management*. This is one of several cases related to DOMA that is being held in the Supreme Court pending the decision regarding *United States v. Windsor*. Access: <http://www.lambdalegal.org/>.

Organizations opposing legalization of same-sex marriage

- **Family Research Council.** The Family Research Council (FRC) is a nonprofit organization founded by Gerald P. Regier and Focus on the Family's James Dobson in 1983. FRC views homosexuality as psychologically harmful and opposes same-sex marriage. It has filed amicus briefs expressing opposition to legalization of same-sex marriage in both Supreme Court cases: *United States v. Windsor* (DOMA) and *Hollingsworth v. Perry* (Proposition 8). FRC's Marriage and Religion Research Institute (MARRI Research) disseminates research findings that support traditional marriage and family structures and conducts original research. Access: <http://www.frc.org/>.

- **Prop8Case.com, National Organization for Marriage.** The National Organization for Marriage (NOM) is a nonprofit organization founded in 2007 to support and pass Proposition 8 in California. Much of the original funding for NOM's Proposition 8 activities came from the Mormon Church. Since then, NOM has funded ballot measures opposing same-sex marriage in several other states, including Washington, Maine, and Iowa. The Prop8Case.com Web site published by NOM focuses exclusively on Proposition 8 and related cases. NOM remains a primary funder of Proposition 8's legal defense. Access: <http://www.nationformarriage.org/>.

- **ProtectMarriage.com.** ProtectMarriage.com is the defendant in *Hollingsworth v. Perry*, the Proposition 8 case currently under review by the Supreme Court. ProtectMarriage.com is a coalition of organizations and individuals,

(continues on page 314)

items and are provided with background information about the specific materials they will oversee. The space is laid out with the stations close enough that there is always some help or backup just a few steps away. Close attention to detail is helpful. CUL has tailored the displayed items to those who were invited as well as the location of the event. For example, historical maps of the location where the Orange Glove event was held have been displayed.

Needless to say, the library invested in a number of orange gloves, and the staff actually wear white ones in order to make use of the orange gloves more special. At the end of the evening, guests are invited to take away one of the orange gloves and can receive the matching half of the pair by sending a donation to support the library. Donations and support, both financial or other gifts, are a key goal of such an event.

In some venues, the host challenged the attendees that he or she would match any financial donations given that night to support special collections. The hosts are recognized at the event for their support and kindness, and are given a framed set of orange gloves, complete with a Clemson tiger paw embroidered on them as a thank you for their support.

As with any such event, careful planning is necessary and coordination with the central development operation at the institution will

not only pay dividends in terms of success but also in partnerships for future events. At one event, the library's development officer was stationed in a separate area with a sports memorabilia item that recently received conservation attention through the generous donation of a library supporter. The development officer explained the significance of the item and the importance of the conservation treatment it received, then directly asked attendees to support conservation action for other items.

As a follow-up, about a week or so after the affair, attendees receive a letter thanking them for attending and asking for their support. At some events, a specific special collections item needing conservation treatment is identified and proceeds from the Orange Glove event directed toward this work is included in the solicitation letter. A brochure is also inserted with the mailing that describes CUL Foundation accounts in order to facilitate the donation process.

The four Orange Glove events already held were a great success, as measured by funds raised and goodwill established. One additional event is planned for the near future, perhaps leading to some sort of capstone event targeting all library donors. The approach represents an opportunity for small to medium-size libraries to create a unique but safe environment to use special collections in soliciting donations that is truly hands-on. ♪

("Marriage equality," cont. from page 307)

including the California Family Alliance, Focus on the Family, and the Family Research Council. The three main projects of ProtectMarriage.com are the ProtectMarriage.com Action Fund, the ProtectMarriage.com Education Fund, and the Proposition 8 Legal Defense Fund. Access: <http://protectmarriage.com/>.

Notes

1. Dylan Matthews, "Everything You Need to Know About the Supreme Court's Same-Sex Marriage Cases," *The Wonkblog, The Washington Post*, March 26, 2013, www.washing-

[tonpost.com/blogs/wonkblog/wp/2013/03/26/everything-you-need-to-know-about-the-supreme-courts-same-sex-marriage-cases/](http://www.washingtonpost.com/blogs/wonkblog/wp/2013/03/26/everything-you-need-to-know-about-the-supreme-courts-same-sex-marriage-cases/).

2. Stephanie Mencimer, "Gay Marriage Foes: 'Til Disclosure Do Us Part?," *Mother Jones*, July 1, 2010, www.motherjones.com/politics/2010/07/national-organization-for-marriage-donors.

3. John M. Hubbell, "Coalition Seeks Male-Female Definition/New Ballot Push for Constitutional Amendment," *San Francisco Chronicle*, April 28, 2005, www.sfgate.com/bayarea/article/CALIFORNIA-Coalition-seeks-male-female-marriage-2677038.php. ♪