

Nos. 12-15388 & 12-15409

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Karen GOLINSKI,
Plaintiff-Appellee,

v.

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT;
JOHN BERRY, Director of the United States Office of
Personnel Management, in his official capacity,
Defendants,

and

BIPARTISAN LEGAL ADVISORY GROUP OF THE
U.S. HOUSE OF REPRESENTATIVES,
Intervenor-Defendant-Appellant.

Karen GOLINSKI,
Plaintiff-Appellee,

v.

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT;
JOHN BERRY, Director of the United States Office of
Personnel Management, in his official capacity,
Defendants-Appellants,

and

BIPARTISAN LEGAL ADVISORY GROUP OF THE
U.S. HOUSE OF REPRESENTATIVES,
Intervenor-Defendant.

On Appeal from the United States District Court for the
Northern District of California

**APPENDIX TO BRIEF OF *AMICI CURIAE* ANTI-DEFAMATION LEAGUE
· CALIFORNIA COUNCIL OF CHURCHES · CALIFORNIA FAITH FOR
EQUALITY · CENTRAL CONFERENCE OF AMERICAN RABBIS ·
GENERAL SYNOD OF THE UNITED CHURCH OF CHRIST · HADASSAH,
THE WOMEN'S ZIONIST ORGANIZATION OF AMERICA · HINDU
AMERICAN FOUNDATION · INTERFAITH ALLIANCE FOUNDATION ·
JAPANESE AMERICAN CITIZENS LEAGUE · NATIONAL COUNCIL OF
JEWISH WOMEN · PEOPLE FOR THE AMERICAN WAY FOUNDATION
ON BEHALF OF THE AFRICAN AMERICAN MINISTERS LEADERSHIP
COUNCIL · RECONSTRUCTIONIST RABBINICAL COLLEGE · THE
RIGHT REVEREND MARC HANDLEY ANDRUS, THE RIGHT
REVEREND BARRY L. BEISNER, AND THE RIGHT REVEREND MARY
GRAY-REEVES · SIKH AMERICAN LEGAL DEFENSE AND EDUCATION
FUND · SOCIETY FOR HUMANISTIC JUDAISM · UNION FOR REFORM
JUDAISM · UNITARIAN UNIVERSALIST ASSOCIATION · UNITARIAN
UNIVERSALIST LEGISLATIVE MINISTRY CALIFORNIA · THE
UNIVERSAL FELLOWSHIP OF METROPOLITAN COMMUNITY
CHURCHES · WOMEN'S LEAGUE FOR CONSERVATIVE JUDAISM ·
WOMEN OF REFORM JUDAISM
IN SUPPORT OF AFFIRMANCE OF THE JUDGMENT BELOW
IN FAVOR OF PLAINTIFF-APPELLEE**

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APPENDIX

Amicus curiae Anti-Defamation League (the “ADL”) was founded in 1913 to combat anti-Semitism and other forms of discrimination and to advance goodwill and mutual understanding among Americans of all creeds and races. Today, ADL is one of the world’s leading civil and human rights organizations combating anti-Semitism, all types of prejudice, discriminatory treatment, and hate. ADL is committed to protecting the civil rights of all persons and to assuring that each person receives equal treatment under the law.

Amicus curiae California Council of Churches is an organization of California’s Christian churches representing the State’s mainstream and progressive communities of faith, in a state where same-sex couples could lawfully marry prior to the November 2008 passage of Proposition 8 – an enactment that this Court has found unconstitutional. *See Perry v. Brown*, 671 F.3d 1052 (9th Cir. 2012). Its membership comprises more than 6,000 California congregations, with more than 1.5 million individual members drawn from 21 denominations spanning the mainstream Protestant and Orthodox Christian communities. At least two of the 21 denominations represented in the Council’s membership – the United Church of Christ and the Universal Fellowship of Metropolitan Community Churches – have welcomed same-sex couples to marry in religious ceremonies. The Council’s position on marriage between same-sex couples is pro-religious

freedom, and pro-church autonomy. Commitment to religious liberty and equal protection of law strongly supports federal recognition of same-sex couples' lawful marriages. The Council accordingly has a strong interest in this case.

Amicus curiae California Faith for Equality is a coalition of congregations, organizations, and faith leaders working to win full lesbian, gay, bisexual and transgender equality and to safeguard religious freedom. As a multi-faith organization, it respects and values the wisdom and perspectives of every faith tradition, including both those that recognize marriage between same-sex couples as a religious rite, and also those that do not. As part of its commitment to religious freedom, California Faith for Equality engages with and supports people of faith who support full civil legal equality for all, whether or not they also recognize marriage as a liturgical rite. More than 18,000 same-sex couples lawfully married in California in 2008, before Proposition 8 took effect, and many more hope to marry now that Proposition 8 has been found unconstitutional. California Faith for Equality obviously has a strong interest in supporting federal recognition of same-sex couples' lawful marriages.

Amicus curiae General Synod of the United Church of Christ ("UCC") is the representative body of the national setting of the United Church of Christ, which was formed in 1957 by the union of the Evangelical and Reformed Church and The General Council of the Congregational Christian Churches of the United States.

UCC churches have a rich heritage of standing with the marginalized and oppressed, and for more than three decades have set a clear course of welcome, inclusion, equality, and justice for LGBT people. The UCC currently has 5,200 churches in the United States, with approximately 1.2 million individual members. More than 1,300 of those churches are in states where same-sex couples may legally marry, including 375 in Massachusetts, 243 in Connecticut, 177 in Iowa, 140 in New Hampshire, 250 in New York, 144 in Vermont, and 9 in the District of Columbia. More than 200 are in California, where same-sex couples could legally marry before Proposition 8 took effect in November of 2008. The UCC has a strong interest in the legal recognition accorded to marriages of same-sex couples solemnized by its clergy and celebrated in its churches.

Amicus curiae Hadassah, The Women's Zionist Organization of America, Inc., founded in 1912, has over 330,000 Members, Associates and supporters nationwide. In addition to Hadassah's mission of initiating and supporting pace-setting health care, education and youth institutions in Israel, Hadassah has a proud history of protecting the rights of women and the Jewish community in the United States. Hadassah vigorously condemns discrimination of any kind and, as a pillar of the Jewish community, understands the dangers of bigotry. Hadassah strongly supports the constitutional guarantees of religious liberty and equal protection, and rejects discrimination on the basis of sexual orientation. Hadassah supports

government action that provides civil status to committed same-sex couples and their families equal to the civil status provided to the committed relationships of men and women and their families, with all associated legal rights and obligations, both federal and state.

Amicus curiae The Hindu American Foundation (“HAF”) is an advocacy group providing a progressive voice for over two million Hindu Americans. The Foundation interacts with and educates leaders in public policy, academia, and the media about Hinduism and issues concerning Hindus both domestically and internationally, including religious liberty; the portrayal of Hinduism; hate speech; hate crimes, and human rights. HAF has both litigated and participated as *amicus curiae* in numerous cases involving issues of separation of church and state as well as the right to free exercise and subscribes to the view that all religions and adherents thereof should be treated equally and with dignity by the state.

Amicus curiae Interfaith Alliance celebrates religious freedom by championing individual rights, promoting policies that protect both religion and democracy, and uniting diverse voices to challenge extremism. Founded in 1994, Interfaith Alliance has 185,000 members across the country made up of 75 different faith traditions as well as from no faith tradition. Interfaith Alliance supports people who believe their religious freedoms have been violated as a vital part of its work promoting and protecting a pluralistic democracy. Interfaith

Alliance also seeks to shift the perspective on LGBT equality from that of problem to solution, from a scriptural argument to a religious freedom agreement, and to address the issue of equality as informed by our Constitution. *Same-Gender Marriage and Religious Freedom: A Call to Quiet Conversations and Public Debates*, a paper by Interfaith Alliance President, Rev. Dr. C. Welton Gaddy, offers a diversity of ideas based on Interfaith Alliance's unique advocacy for religious freedom and interfaith exchange.

Amicus curiae The Japanese American Citizens League, founded in 1929, is the nation's largest and oldest Asian-American non-profit, non-partisan organization committed to upholding the civil rights of Americans of Japanese ancestry and others. It vigilantly strives to uphold the human and civil rights of all persons. Since its inception, JACL has opposed the denial of equal protection of the laws to minority groups. In 1967, JACL filed an amicus brief in *Loving v. Virginia*, urging the Supreme Court to strike down Virginia's anti-miscegenation laws, and contending that marriage is a basic civil right of all persons. In 1994, JACL became the first API non-gay national civil rights organization, after the American Civil Liberties Union, to support marriage equality for same-sex couples, affirming marriage as a fundamental human right that should not be barred to same-sex couples. JACL continues to work actively to safeguard the civil rights of all Americans.

Amicus curiae The National Council of Jewish Women (“NCJW”) is a grassroots organization of 90,000 volunteers and advocates who turn progressive ideals into action. Inspired by Jewish values, NCJW strives for social justice by improving the quality of life for women, children, and families and by safeguarding individual rights and freedoms. NCJW’s Resolutions state that NCJW resolves to work for “Laws and policies that provide equal rights for same-sex couples.” Its principles state that “Religious liberty and the separation of religion and state are constitutional principles that must be protected and preserved in order to maintain our democratic society” and “discrimination on the basis of race, gender, national origin, ethnicity, religion, age, disability, marital status, sexual orientation, or gender identity must be eliminated.” Consistent with its Principles and Resolutions, NCJW joins this brief.

Amicus curiae. People For the American Way Foundation (PFAWF) on behalf of the African American Ministers Leadership Council, a nonpartisan citizens’ organization established to promote and protect civil and constitutional rights, joins this brief on behalf of its program, the African American Ministers Leadership Council – a network comprised of 1100 African American ministers – and its Equal Justice Task Force. Founded in 1981 by a group of religious, civic, and educational leaders devoted to our nation’s heritage of tolerance, pluralism,

and liberty, PFAWF has been actively involved in litigation and other efforts nationwide to combat discrimination and promote equal rights, including efforts to protect and advance the civil rights of LGBT individuals. PFAWF regularly participates in civil rights litigation, and has supported litigation to secure the right of same-sex couples to marry. PFAWF joins this brief in order to vindicate the constitutional right of same-sex couples to equal protection of the law.

Amicus curiae the Reconstructionist Rabbinical College (RRC) was founded in 1968. Today it serves over 100 congregations in the United States, as well as communities internationally. RRC is committed to leading and supporting congregations in social justice, and the healing and repair of the individual person and the world at large. As part of its mission, RRC and its affiliated communities are committed to protecting the civil rights of all persons and to assuring that each person receives equal treatment under the law.

Amici curiae the Rt. Rev. Marc Handley Andrus, the Rt. Rev. Barry L. Beisner, and the Rt. Rev. Mary Gray-Reeves, are Bishops of the Episcopal Church in the State of California. *Amicus curiae* the Rt. Rev. Marc Handley Andrus, since 2006 has been the eighth Bishop of The Episcopal Church in the Diocese of California, a diocese serving a diverse community of faith with 27,000 people forming 80 congregations, in 49 cities and towns from the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, and San Mateo, as

well as Los Altos, part of Palo Alto, and Stanford University in Santa Clara County. *Amicus curiae* the Rt. Rev. Barry L. Beisner, in 2007 became the seventh Bishop of The Episcopal Church in the Diocese of Northern California, which comprises 69 parishes and missions, and over 14,000 baptized members spanning the Northern California Region. *Amicus curiae* the Rt. Rev. Mary Gray-Reeves, in 2007 became the third Bishop of The Episcopal Church in the Diocese of El Camino Real, which comprises 51 congregations stretching from south of San Francisco to north of Santa Barbara, including the cities of San Jose, Monterey, Santa Cruz, and San Luis Obispo, as well as all Episcopal congregations in the counties of Santa Cruz, San Benito, Monterey, and San Luis Obispo, and most in Santa Clara County.

Amicus curiae the Sikh American Legal Defense and Education Fund (SALDEF) was founded in 1996 and is the oldest Sikh American civil rights and educational organization. We empower Sikh Americans through advocacy, education and media relations. SALDEF's mission is to protect the civil rights of Sikh Americans and ensure a fostering environment in the United States for future generations.

Amicus curiae Society for Humanistic Judaism ("SHJ") mobilizes people to celebrate Jewish identity and culture, consistent with Humanistic ethics and a nontheistic philosophy of life. Humanistic Jews believe each person has a

responsibility for their own behavior, and for the state of the world, independent of any supernatural authority. The SHJ is concerned with protecting religious freedom for all, and especially for religious, ethnic, and cultural minorities such as Jews, and most especially for Humanistic Jews, who do not espouse a traditional religious belief. Humanistic Jews support the right and responsibility of adults to choose their marriage partners. The Society for Humanistic Judaism supports the legal recognition of marriage and divorce between adults of the same sex, and affirms the value of marriage between any two committed adults with the sense of obligations, responsibilities, and consequences thereof. SHJ congregations in California, Connecticut, Massachusetts, New York, and the District of Columbia, where their rabbis and *madrikhim* have solemnized same-sex couples' lawful marriages, have a compelling interest in this litigation, which bears directly on legal recognition to be accorded those marriages.

Amicus curiae The Union for Reform Judaism, whose 900 congregations across North America include 1.5 million Reform Jews, the Central Conference of American Rabbis (CCAR), whose membership includes more than 1,800 Reform rabbis, and the Women of Reform Judaism which represents more than 65,000 women in nearly 500 women's groups in North America and around the world, share a common commitment to ensuring equality for all of God's children, regardless of sexual orientation. As Jews, we are taught in the very beginning of

the Torah that God created humans *B'tselem Elohim*, in the Divine Image, and therefore the diversity of creation represents the vastness of the Eternal (Genesis 1:27). We oppose discrimination against all individuals, including gays and lesbians, for the stamp of the Divine is present in each and every human being. Thus, we unequivocally support equal rights for all people, including the right to a civil marriage license. Furthermore, we whole-heartedly reject the notion that the state should discriminate against gays and lesbians with regard to civil marriage equality out of deference to religious tradition, as Reform Judaism celebrates the unions of loving same-sex couples and considers such partnerships worthy of blessing through Jewish ritual.

Amicus curiae Unitarian Universalist Association (“UUA”) comprises more than 1,000 Unitarian Universalist congregations nationwide, with more than 280 in states where Unitarian Universalist clergy regularly solemnize many legal marriages of same-sex couples. These include 19 congregations in Connecticut, 14 in Iowa, 24 in New Hampshire, 64 in New York, 22 in Vermont, 3 in the District of Columbia, and 140 congregations in Massachusetts, where many of America’s founding churches are members of the UUA – including the First Parish Church in Plymouth (gathered 1606/1620), First Church in Boston (gathered 1630), First Church in Salem (gathered 1629), First Parish Church in Dorchester (gathered 1630), First Parish Church in Duxbury (gathered 1632), First Church in Hingham

(gathered 1635), and First Parish in Cambridge (gathered 1636). There are 76 Unitarian Universalist congregations in California, where same-sex couples could legally marry until Proposition 8 took effect in November of 2008. The UUA has a strong interest in the legal recognition accorded to marriages between same-sex couples solemnized by its clergy and celebrated in its churches.

Amicus curiae Unitarian Universalist Legislative Ministry, California (“UULM CA”), currently numbering over 6100 supporters, is a statewide justice ministry that cultivates and connects leaders and communities to lift up Unitarian Universalist values in the public square, including: upholding the worth and dignity of every person; furthering justice, equity, and compassion in human relations; and protecting religious freedom. Unitarian Universalist congregations and clergy in California have long supported same-sex couples’ freedom to marry. More than 18,000 same-sex couples lawfully married in California before Proposition 8 took effect in November of 2008. Many of those marriages were solemnized by Unitarian Universalist clergy. UULM CA has a strong interest in the legal recognition accorded these marriages, which are valid under California law, as well as in the recognition to be accorded to California couples’ future marriages now that Proposition 8 has been held unconstitutional. UULM CA also has a strong interest in securing religious freedom for Unitarian Universalist

clergy, who wish to treat with equal dignity and respect all couples whose weddings they solemnize.

Amicus curiae The Universal Fellowship of Metropolitan Community Churches (“MCC”), with 250 congregations and 43,000 adherents, is the largest Christian denomination ministering primarily to the LBGT community. MCC for decades has made marriage equality an integral part of its spiritual commitment to social justice and Christian ministry. The MCC churches, whose clergy have officiated over members’ legal marriages in MCC churches of California, Connecticut, Iowa, Massachusetts, New York, and the District of Columbia, obviously have an extraordinary interest in the legal recognition accorded to those marriages.

Amicus curiae Women’s League for Conservative Judaism (WLCJ) is the largest synagogue-based women's organization in the world. As an active arm of the Conservative/Masorti movement, we provide service to hundreds of affiliated women’s groups in synagogues across North America and to thousands of women worldwide. WLCJ strongly supports full civil equality for gays and lesbians with all associated legal rights and obligations, both federal and state, and rejects discrimination on the basis of sexual orientation.

Respectfully submitted,

This 10th day of July 2012

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s/ Rocky C. Tsai

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on July 10, 2012.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

July 10, 2012

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