

[Urging the United States Department of Justice to withdraw its support of the Defense of Marriage Act.]

Resolution urging the United States Department of Justice to withdraw or amend its support of the Defense of Marriage Act (DOMA) and calling on President Barack Obama to act to repeal DOMA.

WHEREAS, The 1996 Defense of Marriage Act (DOMA) protects the right of states to not recognize same-sex marriages and denies same-sex married couples federal benefits; and

WHEREAS, Married heterosexual couples receive over one thousand federal benefits and protections that, under DOMA, adult men and women in committed same-sex relationships are prohibited from receiving; and

WHEREAS, Arthur Smelt and Christopher Hammer, two married adults, have challenged the constitutionality and legality of DOMA in Federal Court in California; and

WHEREAS, The United States Department of Justice represents the United States in this lawsuit, and the brief relies on case law involving state laws that prohibit and do not recognize certain marriages, namely those involving statutory rape and incest, suggesting that marriage between two same-sex adults is as harmful to society as the marriage of a non-consenting minor, or the marriage of one family member to another; and

WHEREAS, Contrary to what the United States Department of Justice argues, gay and lesbian couples suffer great and unjust interference with their ability to obtain recognition of their marriages; and

1 WHEREAS, Married same-sex couples pay income and social security taxes and are
2 prevented by DOMA from receiving the same benefits that married heterosexual taxpayers
3 receive; and

4 WHEREAS, The United States Department of Justice argues that it promotes a policy
5 of federal neutrality even as it recognizes discriminatory laws; and

6 WHEREAS, The United States Department of Justice makes a number of specious
7 arguments that amount to support of discrimination, and

8 WHEREAS, Then presidential candidate Senator Barack Obama supported the
9 complete repeal of DOMA and President Barack Obama has yet to act on repealing DOMA;
10 now, therefore, be it

11 RESOLVED, That the Board of Supervisors calls on President Barack Obama to seek
12 legislation to repeal DOMA and ensure that every married person in the United States has
13 equal access to legal protections; and, be it

14 FURTHER RESOLVED, That, until DOMA is repealed, the United States Department
15 of Justice cease relying on arguments and case law that is offensive and intolerant.
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City and County of San Francisco

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Tails

Resolution

File Number: 090821

Date Passed:

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June 23, 2009 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090821

I hereby certify that the foregoing Resolution was ADOPTED on June 23, 2009 by the Board of Supervisors of the City and County of San Francisco.

7-2-09

Date Approved

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom