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12 ANTHROPOLOGICAL ASSOCIATION,  
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14 ASSOCIATION, THE NATIONAL  
15 ASSOCIATION OF SOCIAL WORKERS,  
16 THE NATIONAL ASSOCIATION OF SOCIAL  
17 WORKERS, CALIFORNIA CHAPTER, AND  
18 THE AMERICAN ACADEMY OF PEDIATRICS,  
19 CALIFORNIA.

12 **UNITED STATES DISTRICT COURT**  
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 KRISTIN M. PERRY, *et al.*,  
16 Plaintiffs,

17 and

18 CITY AND COUNTY OF SAN  
19 FRANCISCO,

20 Plaintiff-Intervenor,

21 v.

22 ARNOLD SCHWARZENEGGER, *et. al.*,

23 Defendants,

24 and

25 PROPOSITION 8 OFFICIAL  
26 PROPONENTS DENNIS  
27 HOLLINGSWORTH, *et. al.*,

28 Defendant-Intervenors.

Civil Case No.: 09-2292-VRW

**NOTICE OF MOTION AND  
MOTION OF THE AMERICAN  
ANTHROPOLOGICAL  
ASSOCIATION, THE AMERICAN  
PSYCHOANALYTIC  
ASSOCIATION, THE NATIONAL  
ASSOCIATION OF SOCIAL  
WORKERS, THE NATIONAL  
ASSOCIATION OF SOCIAL  
WORKERS, CALIFORNIA  
CHAPTER, AND THE AMERICAN  
ACADEMY OF PEDIATRICS,  
CALIFORNIA, TO FILE AN  
AMICUS CURIAE BRIEF IN  
SUPPORT OF PLAINTIFFS**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT the American Anthropological Association, the  
3 American Psychoanalytic Association, the National Association of Social Workers, the National  
4 Association of Social Workers, California Chapter, and the American Academy of Pediatrics,  
5 California, hereby move the Court for leave to file a brief *amici curiae* in the above-captioned  
6 case in support of Plaintiffs. A copy of the proposed *amicus* brief is appended as an exhibit to  
7 this motion.

8 **I. STANDARD FOR MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE***

9 District courts have discretion to permit third parties to participate in an action as  
10 *amici curiae*. *Woodfin Suite Hotels, LLC v. City of Emeryville*, No. C 06-1254 SBA, 2007 U.S.  
11 Dist. LEXIS 4467, at \*7 (N.D. Cal. Jan. 9, 2007). Such discretion is generally exercised  
12 liberally, as there are no strict prerequisites that must be established to qualify for *amicus* status.  
13 *Id.* at \*8. The sole criterion is that the applicant must demonstrate that its “participation is  
14 useful or otherwise desirable to the court.” *Id.* (quoting *In re Roxford Foods Litig.*, 790 F. Supp.  
15 987, 997 (E.D. Cal. 1991)). District courts frequently accept *amicus* briefs from non-parties  
16 where the legal issues in a case “have potential ramifications beyond the parties directly  
17 involved.” *Sonoma Falls Devs., LLC v. Nev. Gold & Casinos, Inc.*, 272 F. Supp. 2d 919, 925  
18 (N.D. Cal. 2003) (quoting *Cobell v Norton*, 246 F. Supp. 2d 59, 62 (D.D.C. 2003)).

19 In this case, the Court has specifically indicated a willingness to consider *amicus*  
20 briefs from non-parties who can offer a specialized perspective on the issues now before it.  
21 Trial Tr. at 2946-47.

22 **II. STATEMENT OF IDENTITY AND INTEREST OF *AMICI CURIAE***

23 These *amici*, all of whom are independent of the parties to this action, have  
24 extensive experience with the subjects addressed in their *amicus curiae* brief – namely, the  
25 psychological and social ramifications of discrimination.

26 The American Anthropological Association is the world’s largest professional  
27 organization of anthropologists and others interested in anthropology. Its membership includes  
28 all specialties within anthropology, including (among others) cultural anthropology, linguistics,

1 and applied anthropology. In 2004, the American Anthropological Association adopted a  
2 Statement on Marriage and the Family, which provides: “The results of more than a century of  
3 anthropological research on households, kinship relationships, and families, across cultures and  
4 through time, provide no support whatsoever for the view that either civilization or viable social  
5 orders depend upon marriage as an exclusively heterosexual institution. Rather, anthropological  
6 research supports the conclusion that a vast array of family types, including families built upon  
7 same-sex partnerships, can contribute to stable and humane societies.”

8           The American Psychoanalytic Association is a national membership organization  
9 that has been the leading organization of psychoanalysts for the past 90 years. The membership  
10 of the association includes the leading psychoanalysts in the United States, many of whom are  
11 also leaders in their fields of psychiatry, psychology, and social work. There is a large volume  
12 of psychoanalytic literature concerning the psychological dimensions of same-sex sexual  
13 orientation and the challenges faced by gay and lesbian individuals in our society. In 1997, the  
14 American Psychoanalytic Association’s Board of Directors, after careful study that addressed  
15 not only the well-being of members of gay and lesbian couples, but also the well-being of their  
16 children, families, and the larger society, adopted a resolution stating that, “[b]ecause marriage  
17 is a basic human right and an individual personal choice, . . . the State should not interfere with  
18 same-gender couples who choose to marry and share fully and equally in the rights,  
19 responsibilities, and commitment of civil marriage.” This statement was backed by extensive  
20 systematic research and clinical information that demonstrated the salutary effects for gay men  
21 and women, their children, and the community of the availability of marriage to same-sex  
22 couples.<sup>1</sup>

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26 <sup>1</sup> An expanded version of the research upon which this resolution was based was  
27 published by Bertram Cohler and Robert Galatzer-Levy in *The Course of Gay and Lesbian*  
28 *Lives: Social and Psychoanalytic Perspectives* (2000).

1           Established in 1955, the National Association of Social Workers (“NASW”) is  
2 the largest association of professional social workers in the world, with 145,000 members and  
3 chapters throughout the United States, Puerto Rico, Guam, and the Virgin Islands; the  
4 Association also has an International Chapter in Europe. The NASW, California Chapter has  
5 more than 11,000 members. With the purpose of developing and disseminating standards of  
6 social work practice, while strengthening and unifying the social work profession as a whole,  
7 NASW provides continuing education, enforces the *NASW Code of Ethics*, conducts research,  
8 publishes books and studies, promulgates professional standards and criteria, and develops  
9 policy statements on issues of importance to the social work profession.

10           NASW adopted a policy statement on gay issues in 1977, which was  
11 subsequently revised and expanded; that policy and the *NASW Code of Ethics* prohibits social  
12 workers from discriminating on the basis of sexual orientation. In 2004, NASW reaffirmed its  
13 policy supporting same-sex marriage. NASW’s family policy recognizes that gay and lesbian  
14 people are a part of existing families and provide important caregiving to children, as well as  
15 other family members. The policy further identifies discrimination against lesbian and gay  
16 parents as undermining the survival of their families. NASW and its California chapter affirm  
17 their commitment to work toward full social and legal acceptance and recognition of lesbian,  
18 gay, and bisexual people as stated in NASW’s policy statement, *Lesbian, Gay, and Bisexual*  
19 *Issues*:

20           It is the position of the NASW that same-gender sexual  
21 orientation should be afforded the same respect and rights as  
22 other-gender orientation. Discrimination and prejudice directed  
23 against any group is damaging to the social, emotional, and  
24 economic well-being of the affected group and of society as a  
25 whole. NASW is committed to advancing policies and practices  
26 that will improve the status and well-being of all lesbian, gay, and  
27 bisexual people. . . . NASW supports the adoption of local, state,  
28 federal, and international policies/legislation that ban all forms of  
discrimination based on sexual orientation. LGB people must be  
granted all rights, privileges, and responsibilities that are granted  
to heterosexual people, including but not limited to inheritance

1 rights, insurance, marriage, child custody, employment, credit,  
2 and immigration.<sup>2</sup>

3 The California District of the American Academy of Pediatrics (“AAP-CA”),  
4 representing the over 5,000 board-certified pediatrician members of the four California AAP  
5 regional Chapters, has as its mission to attain optimal physical, mental, and social health and  
6 well being for all infants, children, adolescents and young adults living in California. The AAP-  
7 CA believes that the physical growth, development, social and mental well-being of all children  
8 are supported by allowing parents a full range of parental legal rights, such as Social Security  
9 survivor benefits, health benefits for dependent children, and legally recognized consent for  
10 education and medical decisions. In order to protect and promote the best interests of the child,  
11 the AAP-CA supports equal access for all California children to the legal, financial and  
12 emotional protections of civil marriage for their parents, without discrimination based on family  
13 structure. In light of its focus on children’s health issues, the AAP-CA lends its explicit support  
14 only to Section III of the attached brief, entitled “Depriving Same-Sex Couples of the Ability to  
15 Marry Has Adverse Effects on Their Children.”

### 16 **III. AMICI CURIAE’S EXPERTISE WILL BENEFIT THIS COURT**

17 In this case, the Court has stated that it will accept the filings of briefs *amicus*  
18 *curiae*. Trial Tr. at 2946-47.

19 On the basis of their scientific expertise in the fields of anthropology,  
20 psychoanalysis, social work, and pediatrics, *amici* meet the broad discretionary standard for  
21 filing an *amicus curiae* brief. At trial, evidence was presented concerning stigmatization and  
22 the psychological and social repercussions borne by gay men and women as a consequence of  
23 discrimination. Given their considerable expertise with these issues, *amici* have “unique  
24 information [and] perspective that can help the [C]ourt,” by adding scientific context to this  
25 record evidence. *Sonoma Falls*, 272 F. Supp. 2d at 925. Moreover, “the potential ramifications  
26 [of this case] beyond the parties directly involved” are broad, as the outcome will determine the

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27 <sup>2</sup> *Social Work Speaks* 218, 220 (8th ed. 2009).

