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Bay Area Lawyers for Individual Freedom Files Amicus Brief in United States Supreme Court Supporting Marriage Equality

MARCH 6 – San Francisco – Bay Area Lawyers for Individual Freedom (BALIF) filed an *amicus curiae* brief yesterday in the United States Supreme Court in the consolidated cases *Obergefell v. Hodges*, *Tanco v. Haslam*, *DeBoer v. Snyder*, and *Bourke v. Beshear*, in support of the Petitioners’ positions that the Fourteenth Amendment requires a state to license a marriage between two people of the same sex and to recognize a same-sex marriage lawfully licensed and performed out-of-state. BALIF’s brief argues that it is the duty of the courts to decide the equal protection challenge, that the marriage bans are unconstitutional applying even the most deferential rational basis review, and that the bans inflict profound legal, economic, and emotional harm on same-sex couples and their children.

“Contrary to the Sixth Circuit’s holding, it is the role of the judiciary to evaluate the constitutionality of state provisions and not to defer the question to the state voters and legislators who enacted them,” said Leah Nutting, BALIF’s Amicus Committee chair. “Fundamental rights such as the right to marry cannot be denied by majority vote. The institution of marriage is too special and the harms caused by the bans are too costly to just ‘wait and see’ for the democratic process to recognize that right.”

Thirty bar associations and legal organizations from around the nation joined BALIF in signing the brief. The coalition of *amici* includes state, metropolitan, local, and minority bar associations and local non-profit organizations. The brief was filed with pro bono support from Jerome C. Roth and Amelia L. B. Sargent of the law firm Munger, Tolles & Olson.

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BALIF is the nation’s oldest and largest bar association of lesbian, gay, bisexual and transgender persons in the field of law. Founded in 1980, BALIF represents its members’ interests in the wider San Francisco Bay Area. BALIF members and supporters include San Francisco Bay Area judges, lawyers, law students and legal workers.