

Transcript  
Press Conference February 23, 2011

Good afternoon everybody, Attorney General Martha Coakley, on my right is Assistant Attorney General Jonathan Miller, on my left is the Chief of our Civil Rights Division Maura Healey. These two attorneys have been the trial counsel for the Massachusetts Commonwealth challenge to the Defense of Marriage Act (DOMA) in Federal Court and shortly, was shortly to be in the First Circuit.

I am very pleased today to learn that the Department of Justice and President Obama have determined that the Federal Defense of Marriage Act is unconstitutional. This is a position that we have held and argued since we filed our lawsuit in Federal District Court here in July of 2009.

We brought our case based upon a very firm conviction that to achieve marriage equality for all married couples in Massachusetts; we would have to ensure that all citizens have enjoyed the same rights and protections under the Massachusetts constitution and the US constitution, and argued that Defense of Marriage Act was unsustainable when it was looked at closely.

Today's decision, in the context of the Department of Justice decision, and the letter that I believe you have, or will have, that was sent from the Office of the Attorney General, is another very important victory for all civil rights of same sex couples and their families as it means that the Defense of Marriage Act has been declared discriminatory and unconstitutional by a Federal Judge here in Massachusetts based upon our lawsuit, the Department of Justice, and the President of the United States.

A letter sent today by Attorney General Eric Holder informed Congress that it still has the ability, if it wishes to, to continue to defend these suits. And so exactly what that means for our suit pending in the First Circuit, should become clearer in the next few days. I would note that our final briefs, our briefs before the First Circuit were due next week on March 1<sup>st</sup>. We anticipate, or we've been informed, that the First Circuit will be informed by letter of the decision by the Department of Justice. We anticipate that, that be followed by a withdrawal of the briefs presently pending before the First Circuit and that at a bare minimum we would look for an extension of time until it is resolved in what manner if any these suits would go forward.

But we are pleased with this decision, we think that the reasoning as expressed by General Holder in some ways is dependent upon the extensive discovery and arguments that occurred in Massachusetts relating to the importance for Massachusetts of same sex marriage as our courts determined, back in 2004, and that the Defense of Marriage Act had no basis, even under a rational basis theory, to be deemed constitutional.

I would be happy to answer questions anybody has.