



Legislation Details (With Text)

File #: 15-0127 **Version:** 1 **Name:** 2/2/15 Res Supporting Municipality Amicus US Sup Ct DeBoer v Snyder
Type: Resolution **Status:** Passed
File created: 2/2/2015 **In control:** City Council
On agenda: 2/2/2015 **Final action:** 2/2/2015
Enactment date: 2/2/2015 **Enactment #:** R-15-026

Title: Resolution Authorizing the City of Ann Arbor to be Listed as a Supporting Municipality in an Amicus Brief to be filed with the United State Supreme Court in April DeBoer, et al., v. Rick Snyder, Governor of Michigan, et al

Sponsors: Christopher Taylor, Sabra Briere, Julie Grand, Chuck Warpehoski, Kirk Westphal, Jack Eaton

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Date	Ver.	Action By	Action	Result
2/2/2015	1	City Council	Approved	Pass

Resolution Authorizing the City of Ann Arbor to be Listed as a Supporting Municipality in an Amicus Brief to be filed with the United State Supreme Court in April DeBoer, et al., v. Rick Snyder, Governor of Michigan, et al

This resolution authorizes the City of Ann Arbor to join the amicus brief in *DeBoer v Snyder*, currently on appeal to the United States Supreme Court, for the purpose of supporting plaintiff's position that the "Michigan Marriage Amendment" Article 1, Section 25 of the Michigan Constitution is unconstitutional.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Reviewed by: Stephen K. Postema, City Attorney

Sponsored by: Mayor Taylor and Councilmembers Briere, Grand, Warpehoski, Westphal and Eaton

Whereas, Michigan voters approved the "Michigan Marriage Amendment" (MMA), being Article 1, Section 25 of the Michigan Constitution, prohibits same-sex marriages;

Whereas, On March 21, 2014, the United States District Court, Eastern District of Michigan, Southern Division held Article 1, Section 25 of the Michigan Constitution (MMA) unconstitutional in the case of *April DeBoer et al v Richard Snyder, et al*, Civil Action No. 12-CV-10285;

Whereas, Hon. Bernard A. Friedman, held that the MMA impermissibly discriminates against same-sex couples in violation of the Equal Protection Clause of the U.S. Constitution because the MMA does not advance any conceivable legitimate state interest;

Whereas, The State Defendants appealed the decision to the United States Court of Appeals for the Sixth Circuit, Case Number 6th Cir#14-1341 ED Mi #12-civ-10285;

Whereas, The City Council of the City of Ann Arbor formally supported and authorized its listing as a Supporting Municipality in an Amicus Brief filed with United States Court of Appeal in the matter (City

of Ann Arbor Resolution R-14-155)

Whereas, On appeal, the Hon. Jeffrey S. Sutton, delivered the opinion of the Court reversing the lower court ruling;

Whereas, On January 16, the United States Supreme Court granted the Petition for Writ of Certiorari in *April DeBoer, et al. v Richard Snyder, Governor of Michigan, et al.* (U.S. Supreme Court Case No. 14-571);

Whereas, In granting the Petitioners' petition for writ of certiorari, the United States Supreme Court has limited its review of the ruling from the United States Court of Appeals for the Sixth Circuit, to the following questions:

- 1) Does the Fourteenth Amendment require a state to license a marriage between two people of the same sex?
- 2) Does the Fourteenth Amendment require a state to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state?

Whereas, Gay & Lesbian Advocates & Defenders (GLAD), with the support of other municipalities, community organizations, non-profits and businesses supporting the petitioners' position, are filing an amicus brief in the appeal in support of reversal of the 6th Circuit's decision and reinstatement and affirmation of the lower court decision and have requested that the City of Ann Arbor join in the amicus brief;

Whereas, The City of Ann Arbor has been a leader in the legal recognition of same-sex marriage; and

Whereas The City Council of the City of Ann Arbor is in support of the findings and holding of the lower court that the MMA, Article 1, Section 25 of the Michigan Constitution is unconstitutional;

RESOLVED, That the City of Ann Arbor shall request, through its City Attorney, to be listed as a supporting municipality to the amicus brief, to be filed by GLAD and other municipalities, community organizations and businesses supporting petitioner's position in the appeal from the decision of the United States Court of Appeals for the Sixth Circuit and in support of reinstatement and affirmation of the lower court decision that the MMA, Article 1, Section 25 of the Michigan Constitution is unconstitutional;

RESOLVED, A certified copy of this resolution shall be provided to the other supporting entities and Zausmer, Kaufman, August & Caldwell, P.C., the law firm coordinating the filing of the amicus brief, as evidence of the City's support in the matter; and

RESOLVED, That the City Attorney is authorized to take any other necessary actions to implement this Resolution.

Sponsored by: Mayor Taylor and Councilmembers Briere, Grand, Warpehoski, Westphal and Eaton