



Legislation Text

File #: 14-0813, **Version:** 1

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 Court of Appeals for the Sixth Circuit in *Deboer v Snyder and Schuette*

This resolution authorizes the City of Ann Arbor to join the amicus brief in *Deboer v Snyder and Schuette*, currently on appeal in the United State Court of Appeals for the Sixth Circuit, 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: Council members Taylor, Briere, Warphehoski, and Teall

Whereas, Michigan voters approved the "Michigan Marriage Amendment" (MMA) being Article 1, Section 25 of the Michigan Constitution, which 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, finding *April Deboer et al v Richard Snyder, et al* 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 have 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, Parties supporting plaintiff's position are filing an amicus brief in the appeal in support 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;

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;

Whereas, Gay & Lesbian Advocates & Defenders (GLAD) works nationally to create a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation; and

Whereas, GLAD with the support of other municipalities, community organizations, non-profits and businesses are filing a brief in support of the position of Plaintiff;

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 plaintiff's position in the appeal and in support 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 be authorized to take any other necessary actions to implement this Resolution.