



Gill v. Office of Personnel Management, 133 S.Ct. 2884 (2013)

682 F.3d 1 (1st Cir. 2012)

Topics Covered: Gay, Lesbian, Bisexual and Transsexual Rights

Outcome: Very Favorable

Issue

The issue in this case was whether the Federal Defense of Marriage Act (“DOMA”), 1 USC § 7, was constitutional.

AMA Interest

The AMA opposes the stigmatization that arises from non-recognition of same-sex marriages.

Case Summary

DOMA defined “marriage” as “a legal union between one man and one woman as husband and wife,” to the exclusion of same sex marriages.

Three widowers and six married same-sex couples, who would otherwise have been otherwise qualified for but were denied various federal benefits (i.e., Social Security survivor benefits, joint filing of taxes, tax exemption on spousal health insurance, federal employee health insurance) because of DOMA challenged the constitutionality of DOMA on equal protection grounds. They claimed there was no rational basis for the federal government to deny married same-sex couples the same legal benefits and protections available to other married couples.

While this case was proceeding, the Commonwealth of Massachusetts brought a similar suit. Massachusetts claimed that, as a state, it alone had the power to make marital status determinations and the federal government could not simply override state determinations of which it disapproved. Massachusetts also claimed that it was forced to discriminate against its own married citizens with respect to joint state-federal programs, such as Medicaid coverage for nursing home care.

In both cases, the United States District Court found DOMA unconstitutional and entered judgment for the plaintiffs. The United States appealed both decisions, and the cases were then consolidated. Before the appellate briefing was completed the Department of Justice announced that it would no longer prosecute the appeal, as it itself considered DOMA to be unconstitutional. The U.S. House of Representatives therefore intervened to defend DOMA’s constitutionality on appeal.

The First Circuit found DOMA unconstitutional. The House of Representative then appealed to the Supreme Court.

By virtue of the holding in *United States v. Windsor*, 133 S.Ct. 2675 (2013), the Supreme Court affirmed and the Office of Personnel Management was ordered to provide equal federal benefits to a same-sex spouse of a federal employee.

AMA Involvement

The AMA, along with several other health care organizations, filed an *amicus* brief in the First Circuit. The brief, which opposes DOMA, presents scientific information on the nature of sexual orientation, the comparability of committed same-sex and different-sex adult relationships, and the factors affecting child welfare. It concludes that there is no scientific basis for finding heterosexual relationships to be meaningfully superior to homosexual relationships.

United States Court of Appeals for the First Circuit brief