



Golinski v. United States Office of Personnel Management, 133 S.Ct. 2887 (2013)

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

A federal employee was married to another woman under the laws of California, her state of residence. She claimed marital benefits from the federal government for her spouse, but the Office of Personnel Management denied her claims under DOMA. The trial court held in favor of the employee, based on the right to equal protection implied under the Fifth Amendment Due Process Clause.

The United States Department of Justice declined to appeal, as it had itself determined that DOMA is unconstitutional. Accordingly, a committee of the United States House of Representatives appealed the decision to the Ninth Circuit. The Ninth Circuit held in favor of the employee. The House of Representatives 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 Ninth Circuit. The brief, which opposed DOMA, presented 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 concluded that there was no scientific basis for finding heterosexual relationships to be meaningfully superior to homosexual relationships.

United States Court of Appeals for the Ninth Circuit brief