

Case Nos. S168047, S168078 and S168281

IN THE SUPREME COURT OF CALIFORNIA

KAREN L. STRAUSS et al.,
Petitioners,

v.

MARK B. HORTON, as State Registrar of Vital Statistics, etc., et al.,
Respondents;

DENNIS HOLLINGSWORTH et al.,
Interveners.

**APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF
AND [PROPOSED] AMICUS CURIAE BRIEF IN SUPPORT OF
PETITIONERS**

Clifford S. Davidson (Bar No. 246119)
Lois D. Thompson (Bar No. 093245)
Albert C. Valencia (Bar No. 245630)

PROSKAUER ROSE LLP
2049 Century Park East, 32nd Floor
Los Angeles, California 90067
Telephone: (310) 557-2900
Facsimile: (310) 557-2193

Attorneys for Anti-Defamation League, Asian Law Caucus, Americans United for Separation of Church and State, Japanese American Citizens League, Southern California Chinese Lawyers Association, Asian Pacific Islander Legal Outreach, Legal Aid Foundation of Los Angeles, Bet Tzedek Legal Services, Public Counsel, Orange County Asian Pacific Islander Community Alliance, National Senior Citizens Law Center, API Equality – LA, API Equality, API Parents and Friends of Lesbians and Gays (Los Angeles Chapter), Chicana Latina Foundation, American Jewish Committee, Barbara Jordan/Bayard Rustin Coalition, Asian Pacific Americans for Progress, BIENESTAR, Asian Law Alliance, National Asian Pacific American Women's Forum, Gay Vietnamese Alliance, South Asian Network, Chinese for Affirmative Action, Gay Asian Pacific Alliance, Gay Asian Pacific Support Network, Korean Resource Center, Asian Communities for Reproductive Justice, And Marriage For All, Korean Community Center of the East Bay, Advocacy Coalition of Tulare County for Women and Girls, Asian & Pacific Islander Wellness Center, Filipinos for Affirmative Action, National Korean American Service & Education Consortium, Asian & Pacific Islander Family Pride, Ô-Môi, Asian and Pacific Islander American Health Forum, Asian Pacific AIDS Intervention Team, Asian Pacific Policy & Planning Council, and Philippine American Bar Association.

**APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF
IN SUPPORT OF PETITIONERS**

TO THE HONORABLE RONALD M. GEORGE, CHIEF JUSTICE
OF THE SUPREME COURT OF CALIFORNIA:

Pursuant to Rule 8.520 of the California Rules of Court, the applicants listed below (“Applicants”) respectfully request leave to file the accompanying [PROPOSED] AMICUS CURIAE BRIEF IN SUPPORT OF PETITIONERS in the above-captioned matter.

Undersigned counsel certifies that there are no parties, counsel, entities or other individuals to identify under Rule 8.200(c)(3) of the California Rules of Court.

STATEMENTS OF INTEREST OF AMICI CURIAE

Applicant Anti-Defamation League was founded in 1913 to advance goodwill and mutual understanding among Americans of all creeds and races, and to secure justice and fair treatment to all. Today, it is one of the world’s leading civil and human rights organizations combating anti-Semitism, all types of prejudice, discriminatory treatment and hate. The League is committed to protecting the civil rights of all persons, and to assuring that each person receives equal treatment under law.

Applicant Asian Law Caucus is a non-profit organization advancing the legal and civil rights of Asian American and Pacific Islander communities. Founded in 1972, it is the nation's oldest legal organization serving Asian Americans and is dedicated to the pursuit of equality and justice for all sectors of society.

Applicant Americans United for Separation of Church and State is a national, nonsectarian public interest organization that is committed to defending the constitutional principles of religious liberty and separation of

church and state. Since its founding in 1947, Americans United has regularly been involved as a party, as counsel, or as an amicus curiae in many of the leading church-state cases in federal and state courts throughout the nation.

Applicant Japanese American Citizens League, founded in 1929, is the nation's largest and oldest Asian American non-profit, non-partisan organization committed to upholding the civil rights of Americans of Japanese ancestry and others. It vigilantly strives to uphold the human and civil rights of all persons. Since its inception, JACL has opposed the denial of equal protection of the laws to minority groups. In 1967, JACL filed an amicus brief in *Loving v. Virginia*, urging the Supreme Court to strike down Virginia's anti-miscegenation laws, and contending that marriage is a basic civil right of all persons. In 1994, JACL became the first API non-gay national civil rights organization, after the American Civil Liberties Union, to support same-sex marriage equality for same-sex couples, affirming marriage as a fundamental human right that should not be barred to same-sex couples. JACL continues to work actively to safeguard the civil rights of all Americans.

Applicant Southern California Chinese Lawyers Association is a nonprofit bar organization providing mutual support for Chinese American lawyers, jurists and law students in Los Angeles and Orange Counties, whose goals include promoting the interests of the Chinese American and broader Asian Pacific American communities.

Applicant Asian Pacific Islander Legal Outreach is the largest social justice nonprofit law firm serving the Asian-American and Pacific Islander communities of the Greater Bay Area. Founded more than thirty years ago, its mission has always been to serve the most marginalized segments of the API communities, including underserved ethnic populations, seniors, those with limited English proficiency, immigrants, and LGBT members of the

API community. APILO's staff has authored and signed on to a number of amicus briefs representing the interests of the API community.

Applicant Legal Aid Foundation of Los Angeles is California's oldest and largest legal services organization, providing free legal assistance in a range of matters, including family law, to indigent clients for 80 years. Driven by a mission explicitly committed to combating discrimination, LAFLA advocates for equal protection under the laws for all California residents.

Applicant Bet Tzedek Legal Services has been dedicated to its core mission of pursuing equal justice for all since it was founded in 1974. As a direct legal services office in Los Angeles, Bet Tzedek works to protect the fundamental rights of its clients to housing, benefits, health care, security, safety and fairness. Bet Tzedek represents clients of every race, religion, sexual orientation and ethnicity.

Applicant Public Counsel is the public interest law office of the Los Angeles County and Beverly Hills Bar Associations and the Southern California affiliate of the Lawyers' Committee for Civil Rights Under Law. Established in 1970, Public Counsel is dedicated to advancing equal justice under law by delivering free legal and social services to indigent and underrepresented children, adults and families throughout Los Angeles County, ensuring that other community-based organizations serving this population have legal support, and mobilizing the pro bono resources of attorneys, law students and other professionals.

Applicant Orange County Asian Pacific Islander Community Alliance's mission is to build a healthier and stronger community by enhancing the well-being of Asian and Pacific Islanders through inclusive partnerships in the areas of service, education, advocacy, organizing, and research. It advocates for the equality and equity for members of the API

community, and believes that access to marriage is a right that should be available to all.

Applicant National Senior Citizens Law Center advocates to promote the independence and well-being of America's low income elders and people with disabilities through litigation, policy advocacy and through technical assistance and training of lawyers and other advocates.

Applicant API Equality – LA is a coalition of organizations and individuals who are committed to working in the Asian and Pacific Islander community in the greater Los Angeles area for equal marriage rights and the recognition and fair treatment of LGBT families through community education and advocacy. API Equality – LA recognizes that the long history of discrimination against the API community, especially California's history of anti-miscegenation laws and exclusionary efforts targeted at Asian immigrants, parallels the contemporary exclusion of lesbians and gay men from marriage in California.

Applicant API Equality is a coalition of organizations and individuals committed to working in the Asian and Pacific Islander communities in California, with a focus on Northern California, for equal marriage rights and the fair treatment of LGBT people and their families. Given the long history of exclusion and unequal treatment of APIs, API Equality is dedicated to redressing the inequality of depriving same-sex couples the right to marry.

Applicant API Parents and Friends of Lesbians and Gays (Los Angeles Chapter) is a nonprofit organization dedicated to providing support, education and advocacy for gays and lesbians in the Asian Pacific Islander community.

Applicant Chicana Latina Foundation is a non-profit organization whose mission is the empowerment of Chicanas/Latinas, through their personal, professional and educational advancement. CLF students, many

of whom are immigrant, low-income and second-language learners, receive financial support, leadership training and mentoring from CLF. CLF serves and advocates for the civil and social rights of its students and their families, including the right to marriage equality.

Applicant American Jewish Committee, a national human relations organization with over 175,000 members and supporters and 28 regional chapters, including four in the state of California, was founded in 1906 to protect the civil and religious rights of Jews. It is the conviction of AJC that those rights will be secure only when the civil and religious rights of all Americans are equally secure.

Applicant Barbara Jordan/Bayard Rustin Coalition is a political advocacy organization working to empower Black LGBT individuals and families in Greater Los Angeles, to promote equal marriage rights and to advocate for fair treatment of everyone without regard to race, sexual orientation and gender identity or expression. JRC seeks to combat homophobia in the Black community as well as racism in the LGBT community with equal fervor and determination.

Applicant Asian Pacific Americans for Progress is a national network of progressive Asian Americans. APAP advocates full equality for all Americans.

Applicant BIENESTAR is a grass-roots, non-profit community service organization established in 1989. BIENESTAR is committed to enhancing the health and well-being of the Latino community and other underserved communities, with a special focus on LGBT Latino health and advocacy. BIENESTAR accomplishes this through community education, prevention, mobilization, advocacy, and the provision of direct social support services.

Applicant Asian Law Alliance is a nonprofit legal services organization serving and advocating for Asian and Pacific Islanders and

low income communities in Santa Clara County. It is ALA's mission to advocate for civil rights, including the right to marriage equality.

Applicant National Asian Pacific American Women's Forum is a multi-issue Asian Pacific American women's organization dedicated to forging a grassroots progressive movement for social and economic justice and the political empowerment of APA women and girls. NAPAW advocates for the civil rights of all women and girls, including the right to marriage equality for same sex-couples.

Applicant Gay Vietnamese Alliance is a support group for gay, bisexual and transgender men of Vietnamese descent. GVA provides a safe space in which to network, educate, and empower.

Applicant South Asian Network is a community-based organization dedicated to advancing the health, empowerment and solidarity of persons of South Asian origin in Southern California. Founded in 1990, SAN's goal is to inform and empower South Asian communities by acting as an agent of change in eliminating biases, discrimination and injustices targeted against persons of South Asian origin and by providing linkages amongst communities through shared experiences.

Applicant Chinese for Affirmative Action is a 38-year old, membership-based nonprofit organization whose mission is to defend and promote the civil rights of Asian Americans, including the right to marriage equality, within the context of advancing a multiracial democracy.

Applicant Gay Asian Pacific Alliance is an organization dedicated to furthering the interests of gay and bisexual Asian Pacific Islanders by creating awareness, by developing a positive collective identity and by establishing a supportive community. GAPAA was formed from the need for an organization to address, through a democratic process, social, cultural and political issues affecting the gay and bisexual Asian Pacific Islander community.

Applicant Gay Asian Pacific Support Network is a volunteer community-based organization serving the greater Los Angeles area and providing supportive environments for gay and bisexual Asian Pacific Islander men to meet, network, voice concerns, foster self-empowerment, and advocate on issues of significance to the gay Asian Pacific Islander community. GAPSIN has been active in the fight for marriage equality for over a decade, beginning with early efforts to mobilize and educate the community around the issue following the Hawaii Supreme Court ruling in *Baehr v. Lewin*.

Applicant Korean Resource Center, a non-profit organization based in Los Angeles, was founded in 1983 to empower immigrants and people of color communities. KRC's mission is to provide needed social and health services to traditionally marginalized communities, educate the public on issues affecting low-income immigrants and people of color, advocate for the civil and immigrant rights of Korean Americans, and initiate dialogue and build coalitions with other communities of color. KRC believes that every human being, regardless of immigration status, ethnicity, race, gender, age, or sexual orientation, should hold and have access to equal rights.

Applicant Asian Communities for Reproductive Justice is a grassroots community-based organization in Oakland, California that works with communities and organizations to advance reproductive justice on the local, state and national levels. ACRJ believes that reproductive justice will be achieved when all people have the economic, social and political power and resources to make their own healthy decisions about gender, bodies and sexuality, including the right to marry.

Applicant And Marriage For All is an outreach effort to African-American communities in Northern California regarding the importance of marriage equality as a civil right.

Applicant Korean Community Center of the East Bay's mission is to empower the Korean American and other communities of the Bay Area through education, advocacy, services, and the development of community-based resources. KCC advocates for the civil rights, including the right to marriage equality, of all community members.

Applicant Advocacy Coalition of Tulare County for Women and Girls engages women of all ages in leadership opportunities that will promote social and personal change. Through social justice activism, ACT hopes to promote social growth and change among its current population for many years to come. As issues arise that affect women and girls, ACT is a catalyst for action.

Applicant Asian & Pacific Islander Wellness Center, headquartered in San Francisco, is the oldest and largest nonprofit in North America focusing on sexual health and HIV in Asian and Pacific Islander communities. The Center's mission is to educate, support, empower and advocate for Asian and Pacific Islander communities – particularly members of the community living with, or at risk for, HIV/AIDS. The Center serves its constituent communities through a variety of activities, including providing medical care, HIV and other testing, cultural competency training and materials, peer advocacy, and case management.

Applicant Filipinos for Affirmative Action is a 35-year old nonprofit the mission of which is to build a strong and empowered Filipino community by organizing constituents, developing leaders, providing services, and advocating for policies that promote social and economic justice and equity.

Applicant National Korean American Service & Education Consortium is a national nonprofit organization based in Los Angeles that was founded in 1994 by local community centers to promote a multi-issue civil rights and human rights agenda, project a national progressive voice

