

UNITED STATES v. WINDSOR

What marriage cases are before the Supreme Court?

There are two cases relating to marriage fairness before the Supreme Court. One of them, *United States v. Windsor*, is a challenge to the constitutionality of section 3 of the federal Defense of Marriage Act (DOMA). The other, *Hollingsworth v. Perry*, is about whether the Constitution requires California to allow gay and lesbian couples the freedom to marry.

But I thought gay and lesbian couples could get married in New York. Why should I care about the challenge to DOMA in Windsor?

Even though New York passed the Marriage Equality Act in 2011, section 3 of DOMA excludes married same-sex couples from more than a thousand federal benefits, protections, and responsibilities associated with marriage. Some of these benefits include filing joint federal tax returns, sponsoring a spouse for immigration purposes, and receiving Social Security and federal pension benefits that other married couples enjoy. DOMA also penalizes married gay and lesbian couples by taxing them on the value of the health insurance benefits they obtain through their spouse's employer, unlike other married couples.

Who is the plaintiff in Windsor?

Edie Windsor married her spouse, Thea Spyer, after more than 40 years of sharing their lives together in New York. When Thea passed away, New York State recognized their marriage. Because of DOMA, however, the federal government did not recognize their marriage and treated Edie and Thea as strangers. It imposed taxes on the assets that Thea had left for Edie that would not have been imposed had they been a married straight couple.

Edie decided to challenge DOMA in court, represented by the ACLU, the NYCLU, and the law firm of Paul, Weiss, Rifkin, Wharton, & Garrison LLP. Edie won in both the district court and the appeals court, with both courts finding that Section 3 of DOMA unconstitutionally discriminates against married same-sex couples.

When will the Supreme Court decide Edie's case?

Oral argument in Edie's case is scheduled for **March 27, 2013**. The Supreme Court typically issues a decision by the end of its term, which is at the end of June.

LEARN MORE: www.nyclu.org/windsor



How can I learn more about Edie's case and find out what the Supreme Court's decision means for me and my family?

Visit www.nyclu.org for updates on Edie's case and to join our email list. You should also look for the NYCLU on Facebook and follow us on Twitter (@nyclu) for real-time updates on Edie and what a victory in our case will mean for you and all New Yorkers.

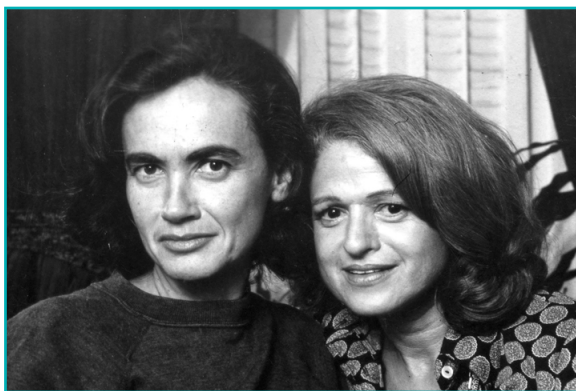


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