



HUMAN
RIGHTS
CAMPAIGN®

February 24, 2011

United States Court of Appeals for the Ninth Circuit
Attn: Molly C. Dwyer, Clerk of the Court
P.O. Box 193939
San Francisco, CA 94119-3939

Re: Case No. 10-1669

Judges Hawkins, Reinhardt, and Smith,

On behalf of the Human Rights Campaign, the nation's largest lesbian, gay, bisexual and transgender (LGBT) political organization, and its 750,000 members and supporters—including nearly 150,000 Californians—I write in support of respondents' counsel's request that you vacate the stay of the district court's order in the case challenging the constitutionality of Proposition 8, *Perry v. Schwarzenegger*.

Nearly six months ago, Judge Walker concluded that Proposition 8 violates the U.S. Constitution and its continued enforcement places an unjust burden on our community. In refusing to further stay his decision, Judge Walker wrote that, "*the trial record left no doubt that Proposition 8 inflicts harm on plaintiffs and other gays and lesbians in California. Any stay would serve only to delay plaintiffs' access to the remedy to which they have shown they are entitled.*"

While you must, of course, give the appeal of the decision due consideration, under the California Supreme Court's announced schedule, an entire year will have passed since Judge Walker described that harm before that court even hears arguments about the certified question regarding standing. If that schedule stands, it will likely be a year or more before this court is able to issue an opinion regarding the appeal of Judge Walker's decision. In the meantime, LGBT Californians and their families are suffering under a discriminatory standard that both a federal judge and the California Supreme Court have concluded cannot stand under our cherished constitutional principles.

At the same time as you issued the stay of the district court's order, this court expedited the consideration of the appeal. I know that you understand the urgency of resolving this question for thousands of LGBT families in California living each day in uncertainty. The questions of procedure and standing that you have asked the California Supreme Court to answer are unquestionably important ones. But you must also remember that, while they spend another six months or more in deliberation, LGBT Californians continue to be harmed by Proposition 8. I urge you to lift the stay.

Thank you for your consideration.

Joe Solmonese
President