

**2012-2013 ASA Council  
MINUTES  
February 21, 2013  
Email Vote on Submitting the ASA *Amicus Curiae* Brief in the  
Defense of Marriage Act and California Proposition 8 Cases  
to the United States Supreme Court**

**Background**

At its August 21, 2012, meeting, Council voted to submit an *amicus curiae* brief on behalf of the American Sociological Association (ASA) on the sociological and related social science research regarding the impact of child outcomes of having gay or straight parents if the United States Supreme Court agreed to hear either the Defense of Marriage Act (DOMA) or the California Proposition 8 case or both. After consideration of a list of suitable sociologists to prepare the scientific content of the brief, Council authorized President Cecilia Ridgeway to contact and select a scholar. Executive Officer Sally T. Hillsman was charged with providing appropriate ASA support to that scholar and to secure a *pro bono* lawyer to prepare the legal aspects of the brief and submit it on behalf of the ASA.

Wendy Diane Manning, Bowling Green State University, agreed to prepare the scientific content and the law firm of Cleary Gottlieb Steen & Hamilton in New York City agreed to submit the brief on behalf of the ASA. The Supreme Court granted *certiorari* in both cases in the fall of 2012, and ASA proceeded to write the *amicus* brief.

**Council Action**

The penultimate draft (lacking only the final reference checks and formatting) was submitted to Council on February 21, 2013, by the Executive Officer, with the accompanying email:

Members of Council: I am very pleased to provide you with the penultimate draft of the ASA amicus brief to the US Supreme Court in the Defense of Marriage Act and Prop 8 cases that are currently before it. Wendy Manning has done an outstanding, careful and thorough job reviewing the relevant literature, as I reported to Council in January. Our pro bono lawyers at Cleary Gottlieb Steen & Hamilton in NYC are experienced in these cases and have helped us place the research in an appropriate legal framework. The plaintiffs lawyers have seen this draft and are extremely excited about it, believing that its review of the science will make a significant difference to the justices in clarifying the research literature that has been so hotly debated in the press and in the amicus briefs submitted to the Court by advocates of maintaining DOMA.

I asked ASA's President, Past President and President-elect to review the draft over the weekend and they all expressed their support of it. I hope that you will also find this penultimate draft ready for your approval.

### **Procedure & Timeline**

Council policy requires a majority vote on an amicus draft before it is submitted. If we take this vote by *email* it must be a unanimous vote (a requirement of DC not-for-profit corporation law). (Unanimous means all Yes or No, excluding Abstentions.) If we are not unanimous, I will schedule a *conference call* meeting of Council to discuss and vote on the brief. All this must be accomplished by Monday, February 26, so that corrections and final proofing can be one on Tuesday and the brief sent to the special printer for briefs submitted to the Supreme Court. The draft must be delivered to the Supreme Court Thursday, February 28.

**Please read this brief and “reply to all” your YES (submit the brief), NO (do not submit the brief), or ABSTAIN by Saturday, February 23. If you have input for the final draft that will be submitted to the Court please include those.** If necessary, the Council meeting by conference call will be scheduled for late Monday afternoon/early evening.

Thank you for your quick response, and especially for the support you have provided Wendy Manning and her graduate students who have worked hard to locate, read, and carefully review the relevant literature. She has put many professional tasks aside over the last few months to do this and to work closely with the lawyers to craft a thoughtful and scientifically rigorous review for the Court's use.

**Council voted by email on February 21, 2013, with all members voting, to submit the *amicus curiae* brief to the United States Supreme Court in both the DOMA and California Proposition 8 cases. Carried Unanimously.**