

12-307 UNITED STATES V. WINDSOR

DECISION BELOW: 833 F.Supp. 2d 394

LOWER COURT CASE NUMBER: 12-2335, 12-2435

QUESTION PRESENTED:

Section 3 of the Defense of Marriage Act (DOMA) defines the term "marriage" for all purposes under federal law, including the provision of federal benefits, as "only a legal union between one man and one woman as husband and wife." 1 U.S.C. 7. It similarly defines the term "spouse" as "a person of the opposite sex who is a husband or a wife." *Ibid*. The question presented is:

Whether Section 3 of DOMA violates the Fifth Amendment's guarantee of equal protection of the laws as applied to persons of the same sex who are legally married under the laws of their State.

IN ADDITION TO THE QUESTION PRESENTED BY THE PETITION, THE PARTIES ARE DIRECTED TO BRIEF AND ARGUE THE FOLLOWING QUESTIONS: WHETHER THE EXECUTIVE BRANCH'S AGREEMENT WITH THE COURT BELOW THAT DOMA IS UNCONSTITUTIONAL DEPRIVES THIS COURT OF JURISDICTION TO DECIDE THIS CASE; AND WHETHER THE BIPARTISAN LEGAL ADVISORY GROUP OF THE UNITED STATES HOUSE OF REPRESENTATIVES HAS ARTICLE III STANDING IN THIS CASE.

ORDER OF DECEMBER 11, 2012:

VICKI C. JACKSON, ESQ., OF CAMBRIDGE, MASSACHUSETTS, IS INVITED TO BRIEF AND ARGUE THIS CASE, AS *AMICUS CURIAE*, IN SUPPORT OF THE POSITIONS THAT THE EXECUTIVE BRANCH'S AGREEMENT WITH THE COURT BELOW THAT DOMA IS UNCONSTITUTIONAL DEPRIVES THIS COURT OF JURISDICTION TO DECIDE THIS CASE, AND THAT THE BIPARTISAN LEGAL ADVISORY GROUP OF THE UNITED STATES HOUSE OF REPRESENTATIVES LACKS ARTICLE III STANDING IN THIS CASE.

CERT. GRANTED 12/7/2012