



## Statement Regarding Legal Strategies to Achieve Marriage Equality

We strongly believe that Minnesota's gay and lesbian couples should be able to have the same choice to marry as different-sex couples, and those couples who travel and marry elsewhere deserve to have their marriages legally recognized and respected in the same way as any other marriages. Simply put, that is not current Minnesota law and that hurts all Minnesota families.

The challenge for those who support fair treatment under the law is how best to change Minnesota's law. Because progress toward full marriage equality in other states has often been the result of court litigation, it is tempting to consider initiating a court challenge to Minnesota's current bans on marriage for gay and lesbian couples. However, filing lawsuits in Minnesota is not the best approach at this time and in fact poses a significant risk to achieving marriage equality.

The Minnesota Supreme Court already ruled against marriage equality in 1971. Courts follow precedents, and this increases the chance of an unfavorable ruling in a new case here. The consequences of another unfavorable ruling could be severe: negative rulings elsewhere have already set our movement back by further solidifying a fundamental legal *inequality* for gay and lesbian couples. While two states' highest courts have narrowly ruled in favor of marriage equality, at least five states' highest courts have, in effect, agreed with Minnesota, making a favorable decision that much less likely.

Nationally, a coalition of prominent organizations has established well-reasoned arguments against ill-considered litigation (see attached), including legal organizations with broad experience in marriage litigation such as the American Civil Liberties Union, Lambda Legal Defense & Education Fund, and the National Center for Lesbian Rights, and political organizations such as the Equality Federation, Human Rights Campaign and the National Gay & Lesbian Task Force.

The movement to achieve full marriage equality in Minnesota is already underway: through education, outreach and organization, we are building a statewide coalition of individuals, groups, and allies to secure the support of Minnesotans and to support legislative action at the best time. As a result, Minnesotans' attitudes are already changing. A statewide survey conducted in 2006 by the widely respected research firm of Decision Resources Ltd. found that Minnesotans feel strongly about fairness and equality for their gay and lesbian family members, friends and coworkers:

- Nearly eight of 10 Minnesotans said government should treat people no differently because of their sexual orientation.
- Almost 70 percent of Minnesotans agreed that "gays and lesbians should have the same rights and responsibilities as everyone else."

The desire of gay and lesbian couples to marry is legitimate, and the barriers to marriage equality are not. We encourage fair-minded Minnesotans to focus their efforts on assuring that their elected officials reflect the growing public support for equality. Together, we will achieve the full equality gay and lesbian couples and their families deserve.