

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

Case Nos. 14-14061-AA, 14-14066-AA

JAMES DOMER BRENNER, et al.,

SLOAN GRIMSLEY, et al.,

Plaintiffs-Appellees,

Plaintiffs-Appellees,

v.

v.

JOHN ARMSTRONG, et al.,

JOHN ARMSTRONG, et al.,

Defendants-Appellants.

Defendants-Appellants.

Appeals from the United States District Court for the Northern District of Florida

**BRIEF OF *AMICUS CURIAE* PARENTS, FAMILIES AND FRIENDS OF
LESBIANS AND GAYS, INC. IN SUPPORT OF PLAINTIFFS-APPELLEES
AND SUPPORTING AFFIRMANCE**

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CORPORATE DISCLOSURE STATEMENT AND CERTIFICATE OF INTERESTED PARTIES

Pursuant to Federal Rule of Appellate Procedure 26.1, the undersigned states that *amicus curiae*, Parents, Families and Friends of Lesbians and Gays, Inc., is not a corporation that issues stock or has a parent corporation that issues stock.

Pursuant to Eleventh Circuit Rule 26.1-1, *amicus curiae* Parents, Families and Friends of Lesbians and Gays, Inc., certifies that, to the best of its knowledge, the Certificates of Interested Persons included in previously filed briefs are complete.

Dated: December 23, 2014

FOLGER LEVIN LLP

s/ Andrew J. Davis

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INTERESTS OF *AMICUS CURIAE*¹

Parents, Families & Friends of Lesbians & Gays, Inc. (“PFLAG”) respectfully submits this *amicus curiae* brief in support of Plaintiffs-Appellees.

PFLAG is a national, nonprofit organization that promotes the health, well-being, and civil rights of lesbian, gay, bisexual and transgender (“LGBT”) persons, as well as their families and friends. Nationwide, PFLAG has more than 200,000 members and supporters, with approximately 350 affiliates. In Florida, Alabama and Georgia combined, PFLAG has 35 chapters and more than 18,800 members, with some 13,000 members in the state of Florida alone.

PFLAG was founded in 1973 by mothers and fathers of gay and lesbian children. The impetus for PFLAG’s founding was the act of one mother, Jeanne Manford. Ms. Manford took the then-unusual step of publicly supporting her gay son by participating in a gay rights march, holding a handmade sign reading “Parents of Gays Unite in Support for our Children.” Ms. Manford’s role in founding PFLAG was recognized in 2013 when she posthumously received the nation’s second-highest civilian honor, the Presidential Citizens Medal.

¹ This brief is submitted with the consent of the parties. Counsel represents that this brief was not authored in whole or in part by counsel for any party, and no person or entity other than PFLAG and its counsel has made any monetary contribution to the preparation and submission of this brief.

In the 40 years since its founding, PFLAG has provided support services to LGBT individuals, their families, and friends to assist in coping with discrimination and hostility. PFLAG has further engaged in education and advocacy efforts, through which it seeks to create a society in which all citizens enjoy full civil and legal equality. Today, PFLAG's members are predominantly heterosexual parents, children, grandparents, siblings and friends of LGBT individuals who desire that their family members enjoy the same right to marry as opposite-sex couples.

PFLAG has a strong interest in ensuring the right of same-sex couples to marry, and its members are uniquely positioned to address and rebut certain arguments made by Appellants. In particular, PFLAG's members have first-hand knowledge of how restrictions on same-sex marriage have negatively impacted not only same-sex couples themselves, but also their family members. Further, having witnessed committed same-sex relationships and marriages, PFLAG members can attest that same-sex marriage poses no risk to opposite-sex marriage and children.

STATEMENT OF THE ISSUES

Whether the district court correctly held that Florida's prohibition against marriage for same-sex couples violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment.

SUMMARY OF ARGUMENT

PFLAG submits that the judgment of the district court should be affirmed.

This *amicus curiae* brief will offer the perspectives of PFLAG's members demonstrating that prohibiting committed same-sex couples from marrying relegates their relationships to an inferior status, recognized as demeaning by the couples, their families and the wider community. Their stories illustrate both the profound importance of marriage for these committed couples and their family members, and the harm flowing from this discriminatory exclusion from participation in a married family life.

The harm resulting from bans on same-sex couples marrying is most directly felt by the same-sex couples themselves. But the family members of same-sex couples are profoundly affected as well, and would be deeply and adversely affected if the judgment below were to be reversed. Prohibitions on same-sex marriage tell family members of people who are gay or lesbian that their children, grandchildren and siblings are inferior and that their families are not entitled to equal dignity under the law. As such, these laws cannot be reconciled with the Constitution's guarantees of due process and equal protection.

ARGUMENT

I. BANS ON SAME-SEX MARRIAGE DISCRIMINATE AGAINST AND HARM PEOPLE WHO ARE GAY OR LESBIAN BY RELEGATING THEIR RELATIONSHIPS TO AN INFERIOR STATUS.

Bans on same-sex marriage impose legal disabilities on people who are gay or lesbian, and demean their committed relationships by precluding them from participating in what the Supreme Court has described as “the most important relation in life” (*Zablocki v. Redhail*, 434 U.S. 374, 384 (1978) (citation omitted)), and one that is “essential to the orderly pursuit of happiness by free men.” *Loving v. Virginia*, 388 U.S. 1, 12 (1967).

“[A] bare . . . desire to harm a politically unpopular group cannot constitute a *legitimate* government interest.” *Romer v. Evans*, 517 U.S. 620, 634 (1996) (citation and internal quotation marks omitted). Classifications of people who are gay or lesbian that do not “further a proper legislative end” but act “to make them unequal to everyone else” are thus unconstitutional. *Id.* at 635. The Supreme Court has recognized that laws with the “principal purpose and the necessary effect” of “demean[ing]” same-sex couples cannot survive due process and equal protection challenges. *United States v. Windsor*, 133 S. Ct. 2675, 2695-96 (2013).

PFLAG’s members have experienced and observed the stigmatizing and demeaning effects of marriage prohibitions on their children and other family members. Without being able to describe their relationships as “marriages,” same-sex couples cannot fully convey the nature and importance of their life-long

commitment. *See Windsor*, 133 S. Ct. at 31 (non-recognition of same-sex marriage makes it difficult for family members “to understand the integrity and closeness of their own family”). PFLAG asks the court to consider the following stories from its members, which underscore the ways in which denying same-sex couples the right to marry harms and dishonors the couples and the families who love them.

A. Story of Winston Johnson.

I am a 73-year old resident of Atlanta. In 1964, I met Leon Allen in Jacksonville, Florida. We were in a relationship with each other from that year until Leon’s death from Parkinson’s disease in 2006. If Leon were still alive, we would have celebrated our 50th anniversary on April 26, 2014.

Although we never doubted our love for one another, during our first decade as a couple, Leon and I did not realize that we could be together for life. We lived in constant fear that our love for each other would be discovered by our friends or our employers, and that we would be rejected and condemned. We lacked the positive reinforcement from friends and family that comes with getting married. So we hid our love for each other from our friends, colleagues and families – and even a bit from ourselves. And we did

not do the sorts of things that young married couples often do, like buying a house or making plans for a life together.

In the 1970s, we realized that our fears were causing us both to hold back emotionally. One night in 1976, I finally asked a question that neither of us had dared ask before, “Are we in this for life?” Leon’s response was instantaneous, “Yeah, we are.” From this conversion came a significant change. From that day until Leon’s death, we considered ourselves to be committed for life. This commitment allowed us to plan our lives and future together. Even more so, it allowed us to be even more emotionally honest with each other and our families. But despite our commitment to each other, we could not be legally married.

In April of 1989, Leon was diagnosed with Parkinson’s disease. It was scary to see my spouse suffer from this debilitating illness. But the fear was made worse by the knowledge that our home state did not recognize our relationship with each other. During each of Leon’s many hospitalizations, we feared that I would not be allowed to accompany him. Lacking the right to marry, I was forced to tell hospital staff that I was Leon’s “life-partner.” Fortunately, the hospitals always permitted me to stay overnight, but our anxieties

could have been eliminated altogether if I had simply had the right to say, “I’m Leon’s husband.”

Leon’s condition worsened over time, and I retired when I was 59 years old so that I could take care of him full time. The last six years of his life, Leon was unable to feed himself and required help with all bodily functions. During those years, I took him to hospital three days a week, just so that I could bathe him on a shower bed. Leon was the most gentle and easy person to care for and I am grateful that I was able to care for him until the end. He died in my arms on February 16, 2006. The commitment that Leon and I made to each other is in no way inferior to the commitments made by opposite-sex couples that the state chooses to recognize as “marriages.” Yet the state denied us the right to marry, and condemned our relationship to an inferior status. The institution of marriage uniquely confers a sense of societal respect and affirmation. Without the right to marry, Leon and I were made to feel like second-class citizens.

It is now too late for me to marry the love of my life. But I hope someday soon, same-sex marriages will be recognized fully

under the law so that no other committed couple will be denied the right to marry.

B. Story of Murriel Scarborough.

I have lived in Dothan, Alabama since 1960. My husband, David, and I celebrated our 50th wedding anniversary last month. We have three wonderful children, the youngest of whom, Patrick, lives in Birmingham.

Patrick attended Auburn University, where he excelled in and out of the classroom. In many ways, Patrick seemed to be on top of the world while in college – he served as vice president of the student body, earned a degree in chemical engineering and seemed to have many friends. But during that time, there was always a sense of unease lurking within Patrick that I could not quite place. I can picture him, during these years, sitting in our home on weekends with his leg just swinging back and forth out of a sense of anxiety. I could never quite figure out the source of that stress.

Soon after Patrick graduated from college, he came home one weekend to spend time with me, David, and our other children. I noticed that he was extremely quiet all weekend. As he was packing to go home, I went up to his room and said, “Patrick, I just know

something is wrong. I don't know what it is, but I'm not going to let you leave this house until you tell me." I could see that his entire body was shaking and he finally responded by saying, "Mom, I'm gay. I'm so sorry, but I'm not going to be able to give you any grandkids." I later learned that Patrick had been fighting against who he was for many years and had only recently come to accept that he was gay.

His news frankly shocked me; I didn't have a clue, and had almost no experience with the LGBT community. I told him that I loved him and I gave him a hug. But I was filled with fear. Some of those fears were for his safety: one of the things I first expressed to Patrick when he came out was concern that some prejudiced person might hurt him because he was gay. But many of my concerns were, at heart, selfish: I was concerned that I would never experience the joy of seeing my youngest son in a marriage or as a father to my grandkids. After taking it in for a moment, I told Patrick, "I will always love you, but I need your help. You need to teach me what this means, because I don't fully understand."

Knowing how important my Presbyterian faith was to me, Patrick suggested that I reach out to my pastor for help. I brought my

own box of Kleenex to Church, and told our pastor the news. He gave me some Biblical materials to read and his counseling was a tremendous help for me as I came to better understand Patrick and reconcile my love for him with my faith.

But what most helped me understand Patrick was simply observing him, and realizing that nothing had really changed, except that the anxiety I had previously seen in him just disappeared. Patrick became even closer to his father and me, because he was now able to fully accept who he was and communicate openly with us. And I observed Patrick become his best self when he entered into a committed relationship with the man who is now his husband, Tony Lee.

Patrick and Tony began dating in 2001, when Patrick was in his late 20s. I simply love them as a couple. They complement each other so well: Patrick is pretty intense and moves from topic to topic at great speed; Tony is patient and calm, and his presence is stabilizing to Patrick. Patrick, in turn, helps make Tony a bit more outgoing and social than he might otherwise be. Witnessing their relationship also made me more aware of the challenges faced by same-sex couples. You never fully understand the full depth of

discrimination that a gay person experiences until it is someone you love. Then you come to understand that seemingly trivial things that you take for granted are denied to same-sex couples. For me this realization came with my son and his relationship with Tony. I am so proud of how Patrick and Tony have overcome those challenges and have such admiration for the relationship that they have created.

But it's not just Patrick and Tony's relationship that I love. I love Tony as an individual. He's part of my family. I first got to know Tony well about a year into his relationship with Patrick. I got a call from Patrick explaining that Tony was undergoing emergency surgery and would be in the hospital for one week. Patrick couldn't take time off from work to be with Tony during his hospital stay – he wasn't "out" at work and, in any event, his work wouldn't recognize Tony as part of Patrick's family. Patrick asked if I could sit with Tony at the hospital during the days, with Patrick then spending the night with Tony in the hospital. So I packed my bags and drove more than three hours up to Birmingham to spend the next week with Tony. I got to know and appreciate Tony during those days, and also to see my son's commitment, care and support for Tony.

It was also during that time, that I got to know Tony's mom, Jean. She came to Birmingham from her home in Jasper, Alabama for the surgery, but had to return home to care for her husband, who was suffering from Parkinson's disease. As she was leaving the hospital, she took me aside, gave me a hug, and said "I'm just so glad our boys have found each other." It was a sentiment that we often expressed to each other over the next decade, as we came to know each other well.

Tony's mom passed away earlier this year. It's been a hard time for Tony, but one small solace is that she lived long enough to know that Patrick and Tony were married. Last year they traveled to Massachusetts to get married and affirm their life-long commitment to each other. Tony's mom died knowing that Tony was happy and in a committed relationship with the man he loved.

After the death of Tony's mom, Tony sent me a card. It read, in part, "Even though my real mother is in heaven, I know that you are now my earthly mother." I can't tell you how much that card meant to me. Because it reflects the fact that Tony and I are family. And "family" is what marriage is all about. I'm happy that Patrick and Tony were able to get married in Massachusetts, but I want our home state to recognize their marriage as well. By banning same-sex

couples from marrying and refusing to recognize out-of-state marriages, my state is trying to tell me that my family isn't a real family at all. And that's just wrong.

C. Story of Douglas Ball and Frank Dowd.

Douglas Ball: I am 69 years old and live in Naples, Florida. I have been in a committed relationship with Frank Dowd for more than 30 years. Frank and I met in 1981, at a class in our Episcopal Church in Washington D.C. At the time, I was 36 and Frank, who had just moved from Iowa, was 33. After nine months of staring at each other in class, Frank and I had our first date, but after that first date, we just knew we were meant to be together.

Frank Dowd: We've been in a committed relationship ever since. Over the past thirty years, we've been through a lot together. In the 1980s and 1990s, many of our friends died of the AIDS pandemic. Then, in 1990, Doug was diagnosed with CLL, Chronic Lymphocytic Leukemia. His diagnosis was a real blow to both of us, as it introduced a new element of uncertainty and fear into our lives at a time when many of our friends were dying. This period of time brought us even closer to each other and we gained a greater realization of our willingness to make sacrifices for each other. We

sought medical treatment but soon learned that there is no cure – only lifestyle changes that reduce stress. So, Doug changed his job with the Treasury Department to a less stressful job, and finally took early retirement in 1997. His health was not getting any better so we made the decision to move to Florida in 2001. I got a job as a community college librarian and my salary is now a critical source of income for us both. Because of this, I am still working at 66 and planning to work past my 70th birthday. Doug is now in complete remission, for which we are very grateful, but living in Florida has presented its own set of challenges as an openly Gay couple living in a very conservative area.

Doug: Frank and I were legally married in Toronto, Canada in 2007, 25 years after we first began our relationship. But our marriage – our commitment to one another – is still not recognized by the state of Florida.

Frank: Florida's refusal to recognize our commitment to each other harms us in so many ways. At the most practical level, we are denied the legal protections that opposite-sex couples take for granted. Even after getting married in Canada, we had to spend thousands of dollars creating reciprocal wills, trusts and living wills. None of those

expensive tools would have been necessary to protect our home and property, as well as our right to hospital visits and end-of-life directives, if Florida simply afforded our marriage the same status it grants marriages of opposite-sex couples. We are lucky enough to have sufficient resources to arrange for these legal protections, but many couples are not so fortunate.

Doug: But even more than those legal disabilities and added economic costs, Florida's refusal to recognize same-sex marriage sends a clear message that it considers our relationship to be second class. Frank and I made the same commitment to each other that opposite-sex married couples make. In our 32 years together, we have experienced the same sort of ordinary joys and challenges that confront all committed couples: the daily caring for one another, the sharing of stories and laughs and concerns, the creation of and striving towards shared goals. But the state of Florida denies our relationship equal dignity and sends the message to all of its citizens that it is OK to demean LGBT people. Indeed, we have experienced such discriminatory treatment in Naples, once when we were kicked out of a restaurant simply because the proprietor did not want to serve a gay couple. We don't claim that Florida's refusal to recognize same-sex

marriage directly caused that humiliating experience. But laws do influence behavior and the Florida laws banning same-sex marriage undeniably tell its citizens that same-sex couples are inferior.

Frank: Thankfully, our church communities do not discriminate against Doug and me, and instead recognize that our marriage is as valid as any other marriage. But we are entitled to have our state afford us the same respect. “Marriage” is the word that Florida uses to designate the relationships that it deems most important. Doug and I have a “marriage” and we entitled to have our state recognize our commitment to each other.

D. Story of Kris Morley-Nikfar

I was born and raised in Virginia, where I live today. In 2002, I moved to Georgia for graduate school, where I met the man who would later become my husband, Jason Morley. Almost immediately after meeting him, I recognized, in Jason, a kindness and respect for others that I have yet to find in anyone else. He quickly became my strongest advocate and stood by my side on my best and worst days. Jason was there to tell me when I was doing something wrong (in a loving way of course), and to defend me when others did wrong by me. It’s hard to explain in words how much he changed my life.

About a year after we met, Jason and I were on vacation when he asked me how I was feeling about our relationship. I responded, “As far as I’m concerned, I’d be happy to spend the rest of my life with you.” To my surprise, Jason responded with a serious question, “Well, would you?” I said, “yes,” and from that day on we considered ourselves engaged.

At that time and place – 2003 in Atlanta – the prospects for a legally-binding marriage seemed remote. But we decided to have a wedding, albeit one that was not legally recognized. It was an amazing experience to be able to affirm our love for each other in our home church, and to be surrounded by our friends and family. The witnesses to our ceremony included our parents and my 90-year-old grandmother. Between me and Jason, we have a pretty diverse background, with Jason’s mother active in the Southern Baptist Church and my father having immigrated to this country, as an adult, from Iran. But both of our families were very supportive of our decision to spend the rest of our lives together.

In 2004, Jason got a job in Massachusetts and so we moved there just as Massachusetts began recognizing same-sex marriages. We were legally married in June of 2004, and it was incredibly

meaningful to have our relationship afforded the same legal protections as any other loving, committed couple. To further signify our union with each other, Jason and I both legally changed our last names to “Morley-Nikfar.”

Soon thereafter, we moved back to Atlanta and gained an even greater appreciation of the importance of legal recognition of our relationship. Upon returning to Atlanta, we were required to obtain new Georgia drivers’ licenses. Because we had formally changed our names upon getting married in Massachusetts, we were told we needed to be able to explain that change by bringing a copy of our marriage certificate to the DMV. Of course, we weren’t asking for legal recognition of our Massachusetts marriage; we were simply providing documentation that explained the reason for our name change. The humiliating treatment we received from the DMV officials is burned into my brain: the officials told us that our marriage certificate was not a legal document, that our marriage wasn’t real, that we’d have to leave, and that we’d have to go to court to obtain a “legal” name change if we wanted to get drivers’ licenses with our new last name on them. All eyes in the room turned to us as the officials loudly berated us. It was a searing experience, and one

that reminded us of the profound importance of legal recognition of our marriage.

Jason and I have made a commitment to love and support each other through life's joys and challenges. We long for the ability to raise a family together and have begun the surrogacy process. We hope to be parents soon and we only want the same rights and protections every other family has.

E. Story of Kristy Clark.

My husband, Paul, and I live in Bountiful, Utah and have been married for 38 years. We have five children and eleven grandchildren, all of whom live within 10 miles of our home. As a mother, all I ever wanted for my children was for them to be happy. For my third child, Weston, who is gay, one of my concerns was that his happiness would be incomplete or limited because he would never be able to marry or have children.

Fortunately, Weston has been able to find a life-long companion, Brandon, and have children. Weston and Brandon met in 2000, and currently live in Salt Lake City with their three-year-old son and two-month-old daughter. I see the work they put into communicating with and supporting each other; the way they

complement and love each other. I am particularly impressed by what dedicated parents they are and how they have structured their lives around their children. Weston and Brandon are both active in the lives of their children, volunteering at pre-school, coaching the soccer team, making their children's needs and development the focus of their lives.

Despite their decade-long commitment to each other and the kids that they are raising together, Weston and Brandon were not legally permitted to get married or recognized as a family by the State of Utah until recently. This lack of legal acceptance was painful for me. Much as we may not want to worry about what others think of us, a sense that we are not accepted by others acts as a burr in the saddle, a constant pain or sting, an impediment to the happiness I want for my children.

So it was with great joy that, on December 20, 2013, I learned that Amendment 3 had been struck down and same-sex marriages were being performed. Because a stay might be granted at any moment, Weston and Brandon told us that they were heading to the County Clerk's office to get married, and asked us to join them. It had been a difficult day for me – that morning I had received radiation

treatment for a brain tumor. But, of course, my husband and I drove down to the clerk's office, so that we could witness and celebrate Weston and Brandon's wedding. It was an amazing scene: so much excitement, so many committed couples who finally had a chance to have their relationships recognized by the state.

Weston and Brandon were married at around 5:00 p.m. that day, surrounded by family members, many friends, and hundreds of exuberant strangers. The most important witness was their three-year-old son, whom Weston held in his arms as he and Brandon exchanged their vows. I am so grateful that my grandchildren can grow up knowing that society recognizes their dads' commitment to each other as a marriage.

As we watched Brandon and Weston exchange their vows, my husband whispered to me, "Look at Weston's eyes. I've never seen him so happy." A little burr – a little impediment to his happiness – was being removed. A mother cannot ask for anything more than to see that look in her son's eyes.

F. Story of David Stivers.

I have lived in Georgia since 1972, and served as a public school teacher until my retirement four years ago. I have been

married for 30 years and have two daughters and a son, Grant, who is a 25 year-old television production assistant.

After his sophomore year in college, Grant came home to Georgia to spend time with his mother and me during his summer break. One night at the dinner table, Grant turned to us and said, "I hope you won't be disappointed in me, but I haven't been completely honest with you." He then looked us in the eye and said, "I'm gay." He took a chance in telling us, and I hope my wife and I handled it OK. We have since learned that this is a vulnerable time; a time when gay children can be accepted or rejected by parents. We told him that we loved him, that we just wanted what was best for him, and that this information changed nothing about our relationship with him. While he remained at home that summer we were as supportive as we could be.

It was only after he left that my wife and I realized that we needed help in processing the news that our son was gay. We knew we loved Grant, but we also recognized that he would face discrimination, bigotry and rejection in his personal and professional life. We wanted to be supportive, but didn't know the best way to go about it. We also did not know what would be the reaction of friends

and extended family. We did a lot of reading and a lot of talking, with each other and with members of the LGBT community, which we hope has helped make us better parents.

Because we were concerned about the discrimination and animosity Grant might face, one of our fears was that he might not be able to marry. Marriage is the building block of our society. My own marriage has allowed me to get outside of myself, to make my wife's goals and dreams my own, and for her to do the same for me. Part of what I love in my own marriage is the richness to be found in shared experiences, of seeing the world not just through my own eyes but through the eyes of my wife. Entering into a marriage conveys not only to the two people being wed, but to the government that this is the person to whom I choose to commit my life.

Marriage also confers enormous societal respect and support. Both of my daughters are married, and I count their wedding days as two of the most joyful moments of my life. An image that sticks with me from both of their wedding days is walking my daughters down the aisle, and seeing all of the joyful faces turn around to look at, and welcome, the bride. In those faces was such a sense of affirmation

and support, and a reflection of the sacredness of the commitment that my daughters were about to make.

My son, Grant, deserves the right to feel that same sort of affirmation and make that same type of commitment. When my daughters were planning their weddings, the State of Georgia remained silent; it didn't care one way or another about their decisions to get married, and wasn't interested in whether the marriages lasted 30 years or 30 minutes. There is no reason for the state to involve itself in determining whether Grant can make a life-long commitment to the person he loves. I am enormously proud of Grant, and know that his life will be enriched through marriage. He, like every other citizen, should have the right to marry the person he loves.

G. Story of Mike Neubecker.

My wife Janice and I have been married for more than 40 years and have one child, our son Lee. Until Lee came out to me at the age of 19, I had no idea he was gay.

Lee's coming out definitely challenged me. I grew up in a conservative Catholic family, attended Catholic schools from K-12, and then was drafted into the Army where I served for six years. Along the way, I had absorbed many negative views about gay

people. These negative views were not based on anyone I knew personally, but from the misinformation and stereotypes so prevalent in our culture.

When Lee first came out, I thought I had to choose between loving my son and my faith. I loved my son, so I was not willing to cast him aside. But my faith is also important to me, so I engaged in prayer, reading and study. It took some time but I came to realize that the most important lesson the Bible teaches is unconditional love. The Bible teaches us to love others and treat them as we ourselves would like to be treated, and I see no contradiction between that teaching and my love for Lee.

Opponents of same-sex marriage have said marriage should be reserved for opposite-sex couples, because permitting same-sex couples to marry will somehow pose risks to children, especially children in future generations. I could not disagree more with that statement. Anyone who knows my son, Lee, and his partner, David, would understand that their sexual orientation does not impact their ability to be good parents. The idea that they, as a couple or as a family, could pose a risk to anyone else's marriage or children, either now or in the future, makes no sense.

About seven years ago, Lee and David adopted our grandchildren, Braiden and Michael, through the foster care system. Braiden, who is now 11 years old, wrote the following letter last year, in the hopes that it may help someone else understand her perspective. She wrote it on her own, with minor assistance from her teachers on spelling and grammar. Her words convey, more eloquently than I ever could, why allowing her dads and other same-sex couples like them to marry will not pose any risks to children.

“Love is important! It doesn't matter who people love, as long as they are happy. Everyone should have the right to marry who he or she wants. You may not like two men being married, but for them, it's normal.

...

Before I lived with my two dads, my life was horrible. My old family never treated me well. They wouldn't stand up for me. If my foster sister fought with me, my old mom would just sit there and watch me get hurt, so I would have to fight back. Each time I was at foster home, the foster parents promised me they would keep me safe and treat my brother and I equally.

But they always broke their promise. I moved five times until my dad and daddy found me. They also promised that they would always love me and keep me safe and they would treat me equal to my brother. I was 4 when I met them. Now I am 10 and they have kept their promises. They do so much for me. They never hurt me or my brother. I feel so safe. I believe I can do anything with my two dads. Would there be any purpose to ban the marriage of two men or two women when they can treat children the same or even better than other couples. I hope that you will do the right thing and let anyone marry who they want to.”

Braiden and Michael continue to thrive under Lee and David’s care. Both excel in school and are happy, well-adjusted children.

Lee and David recently added to their family, by obtaining legal custody of David’s nephew, Cody, last summer. Cody is a senior in high school. Before joining Lee and David, Cody was labeled “trouble.” But since becoming part of their family, he has become a model student, receiving straight A’s last semester and making the Dean’s list. Cody has applied to four universities around the country and is anxiously awaiting word on which school he will attend. Cody is active in his local church youth group, helping to organize the

regional youth conference for their denomination. He also works part time after school to save up for his first car.

No one can tell me that Lee and David are lesser parents, or that they and their children are any less a “family,” just because Lee and David are both men. They have given structure, stability, and most of all, love, to their children, and all of them – and our society – are the better for it.

CONCLUSION

Permitting two committed individuals to commit their lives to each other in marriage can do no harm to the institution of marriage. Any contention otherwise is nothing more than irrational speculation. *See City of Cleburne v. Cleburne Living Center*, 473 U.S. 432, 448 (1985) (“mere negative attitudes, or fear, unsubstantiated by factors which are properly cognizable . . . are not permissible bases” for differential treatment). Such speculation is also contrary to the evidence presented below, the experience of jurisdictions that recognize same-sex marriage, and the experience of PFLAG’s members.

For the foregoing reasons, the decision of the district court should be affirmed.

Dated: December 23, 2014

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CERTIFICATE OF COMPLIANCE WITH RULE 32(A)

Certificate of Compliance With Type-Volume Limitation, Typeface Requirements, and Type-Style Requirements

This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) and Fed. R. App. P. 29(d) because this brief contains 6,412 words, excluding parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

This brief complies with the typeface and spacing requirements of Fed. R. App. P 32(a)(5) and 32(a)(6) because this brief has been prepared in a proportionally-spaced typeface using Microsoft Office Word 2007 in 14-point Times New Roman style.

Dated: December 23, 2014

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CERTIFICATE OF SERVICE

In accordance with Fed. R. App. P. 25(c)(1)(D) and 5th Cir. R. 25, the undersigned certifies that on December 23, 2014, a true, correct, and complete copy of the foregoing was filed with the Court via the Court's ECF system. The undersigned certifies further that all participants in the appeal are represented by some counsel who is registered CM/ECF users and that service will be accomplished by the Appellate CM/ECF System.

Dated: December 23, 2014

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