

1 SHAWN K. AIKEN  
2 2390 East Camelback Road  
3 Suite 400  
4 Phoenix, Arizona 85016  
5 Telephone: (602) 248-8203  
6 [docket@ashrlaw.com](mailto:docket@ashrlaw.com)  
7 [ska@ashrlaw.com](mailto:ska@ashrlaw.com)  
8 [ham@ashrlaw.com](mailto:ham@ashrlaw.com)  
9 [whk@ashrlaw.com](mailto:whk@ashrlaw.com)  
10 [sml@ashrlaw.com](mailto:sml@ashrlaw.com)  
11 Shawn K. Aiken - 009002  
12 Heather A. Macre - 026625  
13 William H. Knight - 030514  
14 Stephanie McCoy Loquvam  
15 - 029045

HERB ELY  
3200 North Central Avenue  
Suite 1930  
Phoenix, Arizona 85012  
Telephone: 602-230-2144  
[HerbEly@eburlaw.com](mailto:HerbEly@eburlaw.com)  
Herb Ely - 000988

MIKKEL (MIK) JORDAHL P.C.  
114 North San Francisco  
Suite 206  
Flagstaff, Arizona 86001  
Telephone: (928) 214-0942  
[mikkeljordahl@yahoo.com](mailto:mikkeljordahl@yahoo.com)  
Mikkel Steen Jordahl - 012211

DILLON LAW OFFICE  
PO Box 97517  
Phoenix, Arizona 85060  
Telephone: (480) 390-7974  
[dillonlaw97517@gmail.com](mailto:dillonlaw97517@gmail.com)  
Mark Dillon - 014393

GRIFFEN & STEVENS  
LAW FIRM, PLLC  
609 North Humphreys St.  
Flagstaff, Arizona 86001  
Telephone: (928) 226-0165  
[stevens@flagstaff-lawyer.com](mailto:stevens@flagstaff-lawyer.com)  
Ryan J. Stevens - 026378

*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

16 Joseph Connolly and Terrel L. Pochert;  
17 Suzanne Cummins and Holly N. Mitchell;  
18 Clark Rowley and David Chaney; R. Mason  
19 Hite, IV and Christopher L. Devine;  
20 Meagan and Natalie Metz; Renee Kaminski  
21 and Robin Reece; Jeffrey Ferst and Peter  
22 Bramley,

Plaintiffs,

v.

21 Chad Roche, In His Official Capacity As  
22 Clerk Of The Superior Court Of Pinal  
23 County, Arizona; Michael K. Jeanes, In His  
24 Official Capacity As Clerk Of The Superior  
25 Court Of Maricopa County, Arizona; and  
26 Deborah Young, In Her Official Capacity  
27 As Clerk Of The Superior Court Of  
28 Coconino County, Arizona,

Defendants.

Case No. 2:14-cv-00024-JWS

**PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT  
STATEMENT OF FACTS**

1 **I. INTRODUCTION**

2 1. Plaintiffs—seven same-sex couples from Arizona’s largest and most  
3 populous counties—have each entered into a long-term, committed, and financially inter-  
4 dependent relationship. *See generally* Exs. 1–14.

5 a. Plaintiffs Joseph Connolly and Terrel L. Pochert have been together  
6 for almost 20 years. They married on July 4, 2008 in St. Mark’s Lutheran Church in San  
7 Francisco, California and are active members of University Lutheran Church in Tempe,  
8 Arizona. They remain committed until “death do us part.” When one of them dies, they  
9 both want their spouse’s name listed on their death certificate as the surviving spouse.  
10 Decl. Joseph Connolly, attached as **Exhibit 1**; Decl. Terrel L. Pochert, attached as  
11 **Exhibit 2**.

12 b. Plaintiffs Suzanne Cummins and Holly Mitchell, who met at work in  
13 2007, together raise Suzanne’s niece, Madisyn, and Madisyn’s half-sister, Jessica. But,  
14 because Suzanne and Holly cannot marry in Arizona, Holly worries about what would  
15 happen to Madisyn and Jessica should Suzanne become ill or die. Decl. Suzanne  
16 Cummins, attached as **Exhibit 3**; Decl. Holly Mitchell, attached as **Exhibit 4**.

17 c. Plaintiffs Clark Rowley and David Chaney bonded over their mutual  
18 love of the game backgammon. Because they could not marry under Arizona law, they  
19 decided instead to have a formal commitment ceremony in Scottsdale, Arizona on  
20 October 9, 2010 before a group of 300 friends and family. David, a Type-1 diabetic,  
21 worries that if he is incapacitated, Clark would have no control over his medical treatment  
22 despite their wishes to the contrary. Decl. Clark Rowley, attached as **Exhibit 5**; Decl.  
23 David Chaney, attached as **Exhibit 6**.

24 d. Plaintiffs R. Mason Hite, IV and Christopher L. Devine are Arizona  
25 natives who met and fell in love in 2001. They married in California in 2008 and became  
26 foster parents in 2011. Shortly after having been certified as foster parents, they adopted  
27 Ricky. Mason and Chris worry that if something should happen to Mason, Ricky’s  
28 adoptive father, Ricky’s future would be uncertain because their marriage is not

1 recognized in Arizona. Decl. R. Mason Hite, IV, attached as **Exhibit 7**; Decl. Christopher  
2 L. Devine, attached as **Exhibit 8**.

3 e. For Plaintiffs Meagan and Natalie Metz, it was love at first sight. In  
4 May 2013, they were lawfully married in the State of Washington. Today, they describe  
5 their wedding as the greatest experience of their lives. Meagan, who has Lupus, worries  
6 that Natalie would not be allowed to make medical decisions for her. They also want to  
7 have children, but worry about the fate of their children because their marriage is not  
8 recognized in their home state. Decl. Meagan Metz, attached as **Exhibit 9**; Decl. Natalie  
9 Metz, attached as **Exhibit 10**.

10 f. Plaintiffs Renee Kaminski and Robin Reece have been together for  
11 almost seven years. They co-own and run a successful photography business; Renee also  
12 works as a part-time registered nurse. They have a three-year old son named Austin.  
13 Renee was denied hospital visitation privileges when Austin had to be flown to Phoenix  
14 shortly after his birth for emergency treatment. Early visitation was limited to only legally  
15 recognized parents, which did not include Renee. Decl. Renee Kaminski, attached as  
16 **Exhibit 11**; Decl. Robin Reece, attached as **Exhibit 12**.

17 g. Plaintiffs Jeffrey Ferst and Peter Bramley, Tucson-based business  
18 owners, met during the summer of 2012, shortly after Peter moved to Arizona. Peter  
19 proposed to Jeff on Valentine's Day 2013, and they married in Riverside, California in  
20 October 2013. They share a home and are raising three dogs together. Peter, who has  
21 battled cancer in the past, lies awake at night worrying about how to care for Jeff should  
22 he predecease him and the medical issues that they both may face as they grow old  
23 together because their marriage is not recognized in Arizona. Decl. Jeffrey Ferst, attached  
24 as **Exhibit 13**; Decl. Peter Bramley, attached as **Exhibit 14**.

25 2. Each couple would marry (and if already married outside Arizona, would  
26 marry in Arizona) if Arizona law permitted same-sex couples to marry. *See generally id.*

27  
28

1           3.       The defendant clerks refused to issue marriage licenses to those plaintiffs  
2 who are unmarried: Suzanne Cummins and Holly Mitchell; Clark Rowley and David  
3 Chaney; and, Renee Kaminski and Robin Reece. *Id.*

4           4.       The defendant clerks refused to issue marriage licenses to those plaintiffs  
5 who were married elsewhere: Joseph Connolly and Terrel Pochert; R. Mason Hite, IV  
6 and Christopher L. Devine; Meagan and Natalie Metz; and, Jeffrey Ferst and Peter  
7 Bramley. *Id.*

## 8

## 9 **II. THE MARRIAGE DISCRIMINATION LAWS**

10           5.       Plaintiffs challenge the constitutionality of two statutes—Arizona Revised  
11 Statutes (“A.R.S.”) §§ 25-101(C) and 25-125(A)—and Article 30, Section 1 of the  
12 Arizona Constitution (the “Marriage Discrimination Laws”) under the Equal Protection  
13 and Due Process Clauses of the Fourteenth Amendment. *See* Amended Complaint (Doc.  
14 15), at ¶ 22.

15           6.       The Marriage Discrimination Laws exclude same-sex Arizona couples from  
16 the rights, responsibilities, benefits, and protections described in over 1,150 Arizona laws.  
17 *See generally Arizona Marriage Laws: A Compendium of Laws That Impact Marital*  
18 *Communities* at ii (April 2014), attached as **Exhibit 15** (the “*Compendium*”).

19           7.       The *Compendium* identifies more than 1,150 provisions of the Constitution  
20 of the State of Arizona, Arizona Revised Statutes, Arizona Administrative Code, various  
21 municipal codes, rules of procedure, local court rules, and Arizona common law. *See id.* at  
22 ii, ¶¶ 3–4.

23           8.       The laws and other provisions cited in the *Compendium* confer legal rights,  
24 benefits, burdens, or obligations on married persons in Arizona in the areas of domestic  
25 relations, trusts and estates, labor, tax, entitlements, torts, privileges, insurance, property,  
26 corporations (public and professional), financial institutions, transactions (secured,  
27 securities, and more), criminal, education, health care, public health and safety, and  
28 immigration. *Id.*

1           9.       The Supreme Court of the United States found a similar report by the  
2 Government Accountability Office (“GAO”) instructive in striking down portions of the  
3 Defense of Marriage Act. *See United States v. Windsor*, 133 S. Ct. 2675, 2683 (2013) (citing  
4 GAO, D. Shah, *Defense of Marriage Act: Update to Prior Report* at 1 (GAO-04-353R,  
5 2004)).<sup>1</sup>

6           **A. Same-Sex Families in Arizona**

7           10.       From 2000 to 2010, the number of same-sex households in Arizona  
8 increased by over 68%—well above the national average. *Same-sex Couple Household*  
9 *Statistics from the 2010 Census*, U.S. CENSUS BUREAU 4, Map 2a., *available at*  
10 <http://www.census.gov/hhes/samesex/files/ss-figures-and-maps.pdf> (last visited April  
11 14, 2014) (between 0.773% and 1.091% of Arizona households are headed by same-sex  
12 couples—higher than the national average), attached as **Exhibit 26**.

13           11.       Today, between 16,000 and 21,000 same-sex couples live in Arizona.  
14 *Compare Arizona*, FREEDOMTOMARRY.ORG, <http://www.freedomtomarry.org/states/entry/c/arizona>  
15 (last visited Apr. 14, 2014) (“15,817 same-sex couples [live] in Arizona, representing 6.6  
16 same-sex couples per 1,000 households”), *with* Kristine Harrington, *Number of Arizona*  
17 *Same-Sex Couples Up*, AZFAMILY.COM (July 14, 2011, 6:11 PM),  
18 <http://www.azfamily.com/news/Number-of-Arizona-Same-Sex-Couples-up-125607428.html> (“there  
19 are roughly 21,000 same-sex couples in Arizona”).

20           12.       Today, many same-sex families include children.<sup>2</sup> *See*, 2012 American  
21 Community Survey, *Household Characteristics of Opposite-Sex and Same-Sex Couple*  
22 *Households*, U.S. CENSUS BUREAU, *available at* [http://www.census.gov/hhes/samesex/files/ssex-tables-](http://www.census.gov/hhes/samesex/files/ssex-tables-2012.xls)  
23 [2012.xls](http://www.census.gov/hhes/samesex/files/ssex-tables-2012.xls) (last updated Sept. 12, 2013) (16.7% of same-sex households include their own  
24 children), attached as **Exhibit 27**. By 2010, same-sex couples were raising over 220,000

25 \_\_\_\_\_  
26 <sup>1</sup> The GAO report is available at <http://www.gao.gov/new.items/d04353r.pdf>.

27 <sup>2</sup> This was also true in the early 1990s. *See* Michael Mandell, *Same-sex Marriages:*  
28 *Arizona Reacts to A Perceived Threat to Traditional Marriages*, 29 ARIZ. ST. L.J. 623, 631  
(1997).

1 American children. See Jennifer C. Pizer and Sheila James Kuehl, *Same-Sex Couples and*  
 2 *Marriage: Model Legislation for Allowing Same-Sex Couples to Marry or All Couples to Form a*  
 3 *Civil Union*, THE WILLIAMS INSTITUTE at 11 (Aug. 2010), available at  
 4 [http://williamsinstitute.law.ucla.edu/wp-content/uploads/Pizer-Kuehl-Model-Marriage-](http://williamsinstitute.law.ucla.edu/wp-content/uploads/Pizer-Kuehl-Model-Marriage-Report.pdf)  
 5 [Report.pdf](http://williamsinstitute.law.ucla.edu/wp-content/uploads/Pizer-Kuehl-Model-Marriage-Report.pdf) (last visited March 31, 2014), attached as **Exhibit 16**. An estimated 170,000 of  
 6 those children are the biological, step, or legally adopted children of these same-sex  
 7 couples. Gary J. Gates, *LGBT Parenting in the United States*, THE WILLIAMS INSTITUTE  
 8 at 1 (Feb. 2013), available at [http://williamsinstitute.law.ucla.edu/wp-](http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Parenting.pdf)  
 9 [content/uploads/LGBT-Parenting.pdf](http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Parenting.pdf), attached as **Exhibit 28**.<sup>3</sup>

10 **B. History of A.R.S. § 25-125**

11 13. The Arizona Legislature enacted A.R.S. § 25-125 during the second regular  
 12 session of 1980 (Senate Bill (“S.B.”) 1033). The bill originally included solemnization  
 13 requirements; created license duplication rights; and, criminalized certain violations of  
 14 the solemnization and licensing procedure. See Arizona Legislative Counsel, *Summary*  
 15 *Analysis of S.B. 1033 Reg. Sess.*, Jan. 14, 1980, attached as **Exhibit 17**.

16 14. From what remains of the legislative record, S.B. 1033 appears to have  
 17 exited the Senate defining a “valid marriage” by the procedural licensing requirements,  
 18 with no mention of the participants’ gender. Compare Minutes of Senate Judiciary  
 19 Comm., Feb. 25, 1980, attached as **Exhibit 18**, with Minutes of House Judiciary Comm.,  
 20 March 31, 1980, attached as **Exhibit 22**.

21 15. As S.B. 1033 moved through the House Judiciary Committee, however,  
 22 Rep. Skelly struck the original “two persons” language and inserted the “male and  
 23 female” language that now appears in A.R.S. § 25-125. See Ex. 22 (passing with “13 ayes,  
 24 0 nay, 1 present, and 1 absent”). No discussion of or basis for that change was provided in  
 25 the available legislative history. *Id.*

26  
 27  
 28 <sup>3</sup> Same-sex couples are four times more likely than opposite-sex couples to adopt a child and six times more likely to serve as foster parents. Ex. 28 at 1.

1           **C.     History of A.R.S. §§ 25-101 and -112**

2           16.     In 1993, the Supreme Court of Hawaii reviewed a law restricting the marital  
3 relationship to different-sex couples and held that “strict scrutiny” was the applicable  
4 standard. *Baehr v. Lewin*, 852 P.2d 44, 67 (Haw. 1993). The court remanded the case to  
5 the trial court with a presumption that the statute would be found unconstitutional under  
6 the elevated strict scrutiny standard. *Id.* at 67.<sup>4</sup>

7           17.     During the second regular session of the 42nd Legislature, Arizona state  
8 representatives who were concerned about the upcoming *Baehr v. Lewin* retrial—led by  
9 Representatives David Farnsworth and Tom Smith—launched a campaign to prohibit  
10 homosexuals from marrying in Arizona. *See generally*, House Judiciary Comm. Debate,  
11 S.B. 1038, Apr. 10, 1996, attached as **Exhibit 19**; *House Votes to Prohibit Gay Marriage*,  
12 ARIZ. CAPITOL TIMES, Apr. 12, 1996 at 6, attached as **Exhibit 20**.

13           18.     During that session, Arizona House Republicans made three failed attempts  
14 to pass legislation that would deny same-sex couples the right to marry and recognition of  
15 their valid marriages elsewhere. Ex. 20 at 6 (describing failed strike-all amendment and  
16 amendments before several committees); *Gay Marriage Ban Defeated by Family Values*,  
17 ARIZ. CAPITOL TIMES, Apr. 5, 1996 at 3–4, attached as **Exhibit 21** (describing Rep. Ken  
18 Chevront’s defeat of the third attempt—Rep. Farnsworth’s floor amendment to a  
19 domestic relations bill—by offering a substitute amendment proclaiming Arizona’s  
20 commitment to “family values”).

21           19.     Reps. Smith and Farnsworth successfully led a fourth attempt by striking an  
22 unrelated appropriations bill and replacing it with the amendment that ultimately passed.  
23 *See Proposed House of Representatives Amendments to S.B. 1038* (Apr. 8, 1996),  
24 attached as **Exhibit 63**; *see also* Corrected, Final Revised Fact Sheet for S.B. 1038 at 2,  
25 May 13, 1996, attached as **Exhibit 23**; Ex. 19 at 57:8–10 (passing by “10 ays, three nays  
26 and one absence”).

27  
28           <sup>4</sup> The trial on remand took place in September 1996. *Baehr v. Miike*, CIV. 91-1394,  
1996 WL 694235 (Haw. Cir. Ct. Dec. 3, 1996) *aff’d*, 87 Haw. 34, 950 P.2d 1234 (1997).

1           20. The officially-stated “purpose” of amended S.B. 1038 was as follows:  
2 “Clarifies that same sex marriages are prohibited. Provides that all marriages prohibited  
3 by Arizona statute that are solemnized in another state or country are not valid in  
4 Arizona.” Ex. 23 at 1.

5           21. S.B. 1038 passed the House Judiciary Committee and proceeded to the  
6 Committee of the Whole that same day. *See* Ex. 23 at 2.

7           22. Amended S.B. 1038 proceeded to a third reading where it passed the House  
8 on April 12, 1996. *Id.*; *see generally* House of Representatives, Third Read of S.B. 1038,  
9 Apr. 12, 1996, attached as **Exhibit 25**.

10           23. During the debates, Rep. Paul Newman explained that the testimony in  
11 support of S.B. 1038 demonstrates that it was “brought by people who wish to eradicate  
12 homosexuals and fear homosexuals,” amounts to “scapegoating,” and that it violates  
13 numerous constitutional provisions—including Equal Protection. Ex. 25 at 5:3–18. Rep.  
14 Newman nonetheless voted “aye” on S.B. 1038 because he believed that his constituents  
15 did not support same-sex marriage and because A.R.S. § 25-125 already made same-sex  
16 marriage illegal in Arizona. Ex. 25 at 5:19–6:9.

17           24. Amended S.B. 1038 returned to the Senate on April 18, 1996, where the bill  
18 proceeded straight to a final read. *See* Ex. 23 at 2.

19           25. Governor J. Fife Symington, III signed S.B. 1038 into law on May 1, 1996.  
20 Ex. 23, at 2.

21           26. S.B. 1038 has been and remains codified in A.R.S. §§ 25-101 and -112,  
22 which provide that “[m]arriage between persons of the same-sex is void and prohibited.”

23           **D. History of Article 30, Section 1 of the Arizona Constitution**

24           27. In 2006, Arizona voters considered Proposition 107, which would amend  
25 the Arizona Constitution to provide that to “preserve and protect” marriage, only  
26 marriages of different-sex couples would be considered valid and recognized under  
27 Arizona law and that “no legal status for unmarried persons shall be created or  
28 recognized by this state or its political subdivisions that is similar to that of marriage.”



1 *2006 Ballot Proposition Guide: Proposition 107*, ARIZ. SEC'Y OF STATE (Sept. 2006), *available*  
2 *at* [http://www.azsos.gov/election/2006/Info/PubPamphlet/Sun\\_Sounds/english/prop107.htm](http://www.azsos.gov/election/2006/Info/PubPamphlet/Sun_Sounds/english/prop107.htm), attached  
3 as **Exhibit 29**.

4 28. Proposition 107 was described during the ballot campaign as likely to  
5 preclude civil unions, comprehensive domestic partnerships, and other broad, non-  
6 marital legal protections for unmarried same-sex couples (and different-sex couples, as  
7 well). *See id.*, *passim* (arguments “for” and “against” Proposition 107).

8 29. Arizona voters rejected this proposal. *State of Arizona Official Canvas, 2006*  
9 *General Election*, ARIZ. SEC'Y OF STATE at 15 (Nov. 7, 2006), *available at*  
10 <http://www.azsos.gov/election/2006/General/Canvass2006GE.pdf>, attached as **Exhibit 30**.

11 30. Two years later, the Arizona legislature referred another proposal to amend  
12 the Arizona Constitution to reinforce the State's exclusion of same-sex couples from  
13 marriage. *2008 Ballot Proposition Guide: Proposition 102*, ARIZ. SEC'Y OF STATE at 15 (Sept.  
14 2008), *available at* [http://www.azsos.gov/election/2008/Info/PubPamphlet/Sun\\_Sounds/english/prop102.htm](http://www.azsos.gov/election/2008/Info/PubPamphlet/Sun_Sounds/english/prop102.htm),  
15 attached as **Exhibit 58**.

16 31. Proposition 102, known as the “Marriage Protection Amendment,”  
17 provided as follows: “Only a union of one man and one woman shall be valid or  
18 recognized as a marriage in this state.” *Id.*

19 32. Arizona voters approved Proposition 102 on November 4, 2008. *State of*  
20 *Arizona Official Canvas, 2006 General Election*, ARIZ. SEC'Y OF STATE at 15 (Nov. 4,  
21 2008), *available at* <http://www.azsos.gov/election/2008/General/Canvass2008GE.pdf>,  
22 attached as **Exhibit 59**.

23 33. Thus, today, the State's constitution prohibits the marriage of same-sex  
24 couples and recognition of their lawful marriages in other jurisdictions. ARIZ. CONST., art.  
25 30, § 1.

1 **III. CONTEMPORANEOUS SOCIAL CONTEXT OF THE MARRIAGE DISCRIMINATION LAWS**

2 34. In 1996, Representative Tom Smith, Chair of the Arizona House Judiciary  
3 Committee, sponsored S.B. 1038 and spoke in favor of the bill during House floor debates.  
4 *See* House Comm. on the Whole Debate, S.B. 1038, Apr. 10, 1996, at 2:11–12, attached as  
5 **Exhibit 24**; *see generally id.* In an article published the same day that the House Judiciary  
6 Committee and the Committee of the Whole debated S.B.1038, Rep. Smith expressed his  
7 pleasure in hearing the bill in “his committee” as follows:

8 Can you imagine? Two guys get married, and (the priest)  
9 says, “You may kiss the bride,” and so he lifts up the veil and  
10 says, “Hey, you forgot to shave?”

11 I can’t think of anything more disgusting.

12 Mark R. Kerr, *Same Sex Marriage Ban Revived; Hate Crimes Bill Passes State Senate; Big*  
13 *Gain in House*, TUCSON OBSERVER, Apr. 10, 1996 at 1 (parentheses in original), attached  
14 as **Exhibit 31**. Rep. Smith laughed as he expressed his disgust. *Id.*

15 35. During the debates, when asked what the purpose of marriage was, Rep.  
16 Farnsworth said, “[o]ne of the most important is to give children a proper start in life.”  
17 Ex. 24, at 20:15–17.

18 36. Speakers during the House Judiciary Committee hearing on S.B. 1038  
19 predicted the following:

20 So I would like to conclude by saying that recognizing  
21 homosexual marriage in Arizona is the last thing that Arizona  
22 should be doing as a state. If it’s serious and wants to help the  
23 citizens of this state to revalue and *rebuild healthy, normal*  
24 *marriages*, which I think we all know is a crying need of [sic] in  
25 this country and this state in this time.

26 Ex. 19 at 33:4–9 (emphasis added) (commentary of Pastor Winslow, member of the public  
27 invited to speak in support of S.B. 1038).

28 37. One reporter offered the following concerning the support of the business  
community for the bill:

Business groups are closely watching whether Arizona intends  
to honor same-sex marriages, not necessarily for the morality  
of the issue, but because of its potential costs. Legal

1 recognition of gay marriages could force companies to extend  
2 the same benefits to same-sex partners of employees as they  
do to spouses in heterosexual relationships.

3 Howard Fischer, *Businesses Fear Costs of Same-Sex Marriages*, ARIZ. BUSINESS GAZETTE,  
4 March 28, 1996, attached as **Exhibit 39**.

5 38. Proponents of the bill predicted that the possible “historical redefinition”  
6 of marriage could lead to the downfall of “5,000 years of the Judeo-Christian ethic,”  
7 remarking that allowing same-sex marriage “did not conform to scripture.” *See* Ex. 19 at  
8 32:1–38:5; Ex. 24 at 10:8–12.

9 39. A letter, hand-marked “URGENT,” which was appended to the record  
10 and quoted by legislators during the S.B. 1038 House Judiciary Committee debate, stated  
11 that “where homosexual behavior has been destigmatized, it has been cited as a  
12 contributing factor to the fall of great societies.” *See* Dave Killebrew Ltr., Apr. 10, 1996,  
13 attached as **Exhibit 33**; *see also* Ex. 19 at 26:3–20. The letter concluded that same-sex  
14 marriage could be “the last straw” in a society that is “nearing the breaking point.” *Id.*

15 40. One proponent, challenged to identify which societies had fallen due to  
16 homosexuality, contended that Rome and Greece had. *See* Consideration of Bills: S.B.  
17 1038 Floor Debate Minutes, House Judiciary Comm. at 4 (Apr. 10, 1996), attached as  
18 **Exhibit 60**; Ex. 19, at 34:7–35:21 (“[M]any historians have suggested that the breakdown  
19 of the family in the Roman [E]mpire or in any culture did correlate with the rise of the  
20 open practice and endorsement of homosexual practice.”).

21 41. Another attachment to the legislative record, a “fact sheet” from the  
22 conservative political group, Center for Arizona Policy (“CAP”), stated that Hawaii’s  
23 actions in *Baehr v. Lewin* might well result in a situation where “homosexuals who  
24 ‘marry’ in Hawaii and reside in Arizona will be entitled to all the benefits and protections  
25 of marriage in this state, including the right to inherit, to obtain joint parental custody, to  
26 file joint tax returns, to adopt children, to obtain health and insurance spousal benefits,  
27 etc.” *See* Family Issue Fact Pack No. 96-3, *Protecting Marriage*, CAP at 1 (March 1996),  
28 attached as **Exhibit 61**.

1           42. CAP urged Arizona to “move now to protect the institution of marriage or  
2 lose their opportunity.” *Id.* It also characterized as “ludicrous” claims that the amended  
3 law would violate the civil rights of gays and lesbians. *Id.*

4           43. CAP posited that permitting gays and lesbians to marry would open the  
5 door both to polygamous gay marriages and to marriages between humans and animals.  
6 *Id.* at 2. In a final note, CAP’s “fact sheet” declared, “No one can seriously believe that  
7 homosexual promiscuity—with the ‘average’ male homosexual having about 1,000  
8 different sex partners in a lifetime—is based solely on the fact that homosexuals cannot  
9 marry.” *Id.*

10           44. Later, the Arizona Legislature considered (but did not pass) laws that  
11 banned limited domestic partner benefits to same-sex couples. *See* Mark R. Kerr, *State*  
12 *House in Uproar over Domestic Partner Legislation*, WEEKLY OBSERVER, Feb. 10, 1999,  
13 attached as **Exhibit 34**. During the hearings on that legislation, Andrew Cosentino of the  
14 Interfaith League of Sound Government argued that “God made Adam and Eve, not  
15 Adam and Steve,” while the Legislature denied opponents of the legislation—such as the  
16 Phoenix chapter of Parents, Families, and Friends of Lesbians and Gays—the chance to  
17 be heard. *Id.*

18           45. The Legislature also attempted to prevent homosexuals from adopting any  
19 of the children in Arizona’s foster care system. *See* Mark R. Kerr, *Legislature Attacks Gay*  
20 *and Lesbian Foster Parents*, WEEKLY OBSERVER, March 3, 1999, attached as **Exhibit 35**.

21           46. As recently as 2014, the Arizona Legislature passed legislation that would  
22 have allowed private discrimination against homosexuals. *See* House of Representatives,  
23 S.B. 1062/H.B. 2153 Legislative History, attached as **Exhibit 36**.<sup>5</sup>

24  
25  
26           <sup>5</sup> For a summary of the procedural development and gubernatorial veto of S.B. 1062,  
27 including CAP’s promotion of the bill, see Catherine E. Shoichet and Halimah Abdullah,  
28 *Arizona Gov. Jan Brewer Vetoes Controversial Anti-Gay Bill, SB 1062*, CNN.COM (Feb. 26,  
2014 at 11:13 PM), <http://www.cnn.com/2014/02/26/politics/arizona-brewer-bill/>.

1 **IV. HISTORY OF DISCRIMINATION IN THE UNITED STATES**

2 47. Gays and lesbians have experienced significant and widespread  
3 discrimination throughout the history of the United States, particularly during the  
4 twentieth century:

5 Through much of the twentieth century, in particular, gay  
6 men and lesbians suffered under the weight of medical  
7 theories that treated their desires as a disorder; penal laws  
8 that condemned their consensual adult sexual behavior as a  
9 crime; police practices that suppressed their ability to  
10 associate and socialize publicly; censorship codes that  
11 prohibited their depiction on the stage, in the movies, and on  
television; and federal policies and state regulations that  
discriminated against them on the basis of their homosexual  
status. These state policies and ideological messages worked  
together to create and reinforce the belief that gay and lesbian  
persons comprised an inferior class to be shunned by other  
Americans.

12 Expert Report of George Chauncey, Ph.D., ¶ 7, *DeBoer v. Snyder*, Civ. No. 12-CV-10285,  
13 2014 WL 1100794, at \*15 (E.D. Mich. March 21, 2014), *appeal pending*, No. 14-1341 (6th  
14 Cir.), attached as **Exhibit 37**.<sup>6</sup> Still today, homosexual youth report that they often feel  
15 discriminated against in their schools or at home; suffer punishment more often at school,  
16 by police or in the court system; and, have markedly higher suicides rates than their peers.  
17 Ex. 37, ¶¶ 94–95.

18 48. Urban growth and development raised public visibility of homosexuality by  
19 facilitating the growth of distinctive cultures and communities, but, as a result, fear and  
20 misconceptions gave rise to anti-gay policies. Ex. 37, ¶¶ 21–26. Post-World War II federal  
21 policies, spurred along by Senator Joseph McCarthy and codified in an executive order  
22 issued by then-President Eisenhower, kept homosexuals out of federal employment,  
23 including federally contracted positions. The federal government refused to hire gays and  
24 worked to expose and terminate those already within its ranks. Ex. 37, ¶¶ 44–48. Many  
25 state and local governments followed suit. Ex. 37, ¶ 49. Two of the plaintiffs in this case  
26  
27

28 <sup>6</sup> A copy of the slip order in *DeBoer v. Snyder* is attached as **Exhibit 62**.

1 experienced discrimination on the job after they revealed their relationship. Ex. 3, ¶¶ 3,  
2 6–7 and 11–12 and Ex. 4, ¶¶ 10–11.

3 49. Homosexuality was characterized as a “disease, defect, or disorder” until  
4 1973. Ex. 37, ¶ 27. Although the DSM-II eliminated homosexuality as a disease per se,  
5 homosexuals faced continued medical stigmatization for decades more:

6 The preface to the seventh printing of the DSM-II stated that  
7 the printing had replaced “Homosexuality per se” with  
8 “Sexual Orientation Disturbance.” The new category  
9 included individuals “who are either disturbed by, in conflict  
10 with, or wish to change their sexual orientation.” The DSM-  
11 III, first published in 1980, refined that diagnosis under the  
moniker of “Ego-dystonic Homosexuality.” That category  
gave cover to professionals who sought to continue to practice  
conversion therapy. It was not until the DSM-IV, first  
published in 1994, that homosexuality formally disappeared  
from the manual.

12 Kenji Yoshino, *Covering*, 111 YALE L.J. 769, 798 (2002), attached as **Exhibit 38**. One of  
13 the plaintiffs in this action was subjected to so-called “conversion therapy.” Ex. 9, ¶ 3. As  
14 late as the 1990s, the Immigration and Naturalization Service continued to classify  
15 homosexuality as a mental disease that would support denial of applications for  
16 citizenship or asylum. Ex. 38 at 803–09.

17 50. Driven by unfounded stereotypes of homosexuals as child molesters, public  
18 hysteria fueled campaigns to force psychiatric examinations on suspected “sexual  
19 deviants” in an effort to “cure” them of their “pathology.” Ex. 37, ¶¶ 52–54. The media  
20 carried this forward in its depiction of (or, alternatively, in its complete censorship of all  
21 materials related to) homosexuality. Ex. 37, ¶¶ 32–25, 52–54, 62, 68–69. In fact, several of  
22 the plaintiffs in this case feared admitting that they were homosexuals because of the way  
23 such people had been depicted in the media—frightening and evil or pitiful objects of  
24 derision. Ex. 2; Ex. 8, ¶ 4; Ex. 14 ¶ 3.

25 51. Like African-Americans before them, homosexuals were subjected to “anti-  
26 gay policing” that prohibited them from, among other things, loitering or being served in  
27 bars and restaurants. Ex. 37, ¶¶ 55–56. In the mid-twentieth century, bars that catered to  
28 homosexuals were targeted for raids or attacks on their liquor licenses for serving gays and

1 lesbians. Ex. 37, ¶¶ 17, 39, 41, 47, 55–56. The best-known example of this is perhaps the  
2 Stonewall riot of 1969 which took place in New York City when homosexuals, tired of  
3 police harassment, fought back against a police-led raid on the Stonewall Inn. *See also*, Ex.  
4 38 at 815–16.

5 52. One of the products of this historical discrimination has been the repeated  
6 failure to enact anti-discrimination laws at the federal or state level. Ex. 37, ¶ 9. Another  
7 effect can be seen in the treatment of the HIV/AIDS crisis in America. AIDS was initially  
8 referred to as GRID (Gay-Related Immune Deficiency). The illness was depicted in the  
9 media as a loathsome, terrifying disease that afflicted only gay men, a physiological sign of  
10 their inner depravity. Homosexuals were presented as diseased and a threat to public  
11 health. This gave rise to increased discrimination against homosexuals, a point reinforced  
12 by the government’s slow response to the crisis. Ex. 37 ¶¶ 13 and 71; *see also*, Ex. 38 at  
13 801–03.

14 53. Today, much of the United States has come a long way. Even in 1996, when  
15 Arizona passed S.B. 1038, only four states had enacted—and sixteen had defeated—  
16 similar legislation. Ex. 24, at 25:3–19; *see also* David Foster, *Divorced from Debate over Gay*  
17 *Marriages, Couples Live Details as Politicians Ponder Questions: The Inside Story*, ARIZ.  
18 REPUBLIC, June 2, 1996 (summarizing same-sex marriage bans when Congress passed the  
19 Defense of Marriage Act), attached as **Exhibit 32**.

20 54. Ten years ago, the Commonwealth of Massachusetts was the first state to  
21 guarantee marriage equality; recently, the State of Washington was the first to legalize  
22 marriage equality by popular vote. *See* Martha Coakley and Bob Ferguson, *Equality Made*  
23 *Marriage Stronger in Our States*, THE SALT LAKE TRIBUNE, March 28, 2014, *available at*  
24 <http://www.sltrib.com/sltrib/opinion/57734366-82/marriage-equality-divorce-states.html.csp>, (last  
25 visited Apr. 19, 2014), attached as **Exhibit 40**.

26 55. Attorneys General Martha Coakley (Massachusetts) and Bob Ferguson  
27 (Washington) recently confirmed that marriage equality has strengthened the institutions  
28 of marriage, family, and parenting in their states. *Id.*

1           56. Coakley and Ferguson cited these statistics to support their conclusion that  
2 marriage equality has strengthened even “traditional” marriages:

3                   [E]xamine the federal statistics on divorce rates. As of 2011,  
4 according to the Center for Disease Control, six of the seven  
5 jurisdictions that approved marriage equality had divorce rates  
6 at or below the national average. Four of the 10 lowest divorce  
7 rates in the country came from states with marriage equality.  
Iowa and Massachusetts had the lowest and third-lowest  
8 divorce rates in the country. By contrast, many states that  
9 prohibit same-sex marriage had high divorce rates in 2011.

10 *Id.*

## 11 V. PSYCHOLOGY AND SOCIAL SCIENCE RESEARCH ON SAME-SEX FAMILIES

12           57. According to the American Psychological Association:

13                   [T]here is no evidence to suggest that lesbian women or gay  
14 men are unfit to be parents or that psychosocial development  
15 among children of lesbian women or gay men is compromised  
16 relative to that among offspring of heterosexual parents. Not a  
17 single study has found children of lesbian or gay parents to be  
disadvantaged in any significant respect relative to children of  
heterosexual parents. Indeed, the evidence to date suggests  
that home environments provided by lesbian and gay parents  
are as likely as those provided by heterosexual parents to  
support and enable children’s psychosocial growth.

18 American Psychological Association, *Lesbian and Gay Parenting* at 15 (2005), available at  
19 <http://www.apa.org/pi/lgbt/resources/parenting-full.pdf> (last visited April 19, 2014),  
20 attached as **Exhibit 41**; see also American Psychological Association, *Position Statement:*  
21 *Adoption and Co-Parenting of Children by Same-sex Couples* (Nov. 2002), attached as  
22 **Exhibit 42**.

23           58. The consensus in the scientific community is that there is no difference  
24 between children who are raised in families headed by same-sex couples and those headed  
25 by different-sex couples. See Expert Witness Report of David Brodzyński, Ph.D., *DeBoer*  
26 *v. Snyder*, 2014 WL 1100794, *appeal pending*, No. 14-1341 (6th Cir.), attached as **Exhibit**  
27 **43**; Michael J. Rosenfeld, *Nontraditional Families and Childhood Progress Through School*,  
28 *47 DEMOGRAPHY* 755 (Aug. 2010), attached as **Exhibit 44**; Adam Gorlick, *Children*



1 *Raised by Gay Couples Show Good Progress Through School*, THE STANFORD REPORT (Aug.  
 2 30, 2010) available at [http://news.stanford.edu/news/2010/august/gay-study-](http://news.stanford.edu/news/2010/august/gay-study-083010.html)  
 3 [083010.html](http://news.stanford.edu/news/2010/august/gay-study-083010.html) (last visited March 31, 2014), attached as **Exhibit 45**; Decl. of Charlotte J.  
 4 Patterson, Ph.D., *Kitchen v. Herbert*, 961 F.Supp.2d 1181 (Dec. 20, 2013), attached as  
 5 **Exhibit 46**; Brief of *Amici Curiae* Equality Utah Foundation and Utah Pride Center,  
 6 *Kitchen v. Herbert*, 961 F.Supp.2d 1181 (Dec. 20, 2013), *on appeal*, No. 4:04-cb-00848  
 7 (10th Cir.), attached as **Exhibit 47**; Brief of *Amicus Curiae* American Sociological  
 8 Association, *Hollingsworth v. Perry*, 133 S.Ct. 2652 (2013), attached as **Exhibit 48**;  
 9 Australian Human Rights and Equal Opportunity Commission, *Same-Sex: Same*  
 10 *Entitlements* (2007), available at [http://www.humanrights.gov.au/same-sex-same-](http://www.humanrights.gov.au/same-sex-same-entitlements)  
 11 [entitlements](http://www.humanrights.gov.au/same-sex-same-entitlements) (last visited April 14, 2014), attached as **Exhibit 49**.<sup>7</sup>

12 59. Children raised by same-sex couples fare just as well as children raised in  
 13 different-sex households despite the sociocultural stigmatization faced by same-sex  
 14 families. See Abbie E. Goldberg and Katherine A. Kuvalanka, *Marriage (In)equality: The*  
 15 *Perspectives of Adolescents and Emerging Adults with Lesbian, Gay, and Bisexual Parents*, 74  
 16 J. MARRIAGE & FAM. 34, 50 (Feb. 2012), available at  
 17 [http://williamsinstitute.law.ucla.edu/wp-content/uploads/Goldberg-Kuvalanka-JMF-](http://williamsinstitute.law.ucla.edu/wp-content/uploads/Goldberg-Kuvalanka-JMF-Feb-2012.pdf)  
 18 [Feb-2012.pdf](http://williamsinstitute.law.ucla.edu/wp-content/uploads/Goldberg-Kuvalanka-JMF-Feb-2012.pdf) (last visited March 31, 2014), attached as **Exhibit 50**; Ellen D. B. Riggle,  
 19 Sharon S. Rostosky, and Sharon G. Horne, *Psychological Distress, Well-Being, and Legal*  
 20 *Recognition in Same-Sex Couple Relationships*, 24 J. FAM. PSYCH. 82 (2010), available at  
 21 <http://www.apa.org/pi/lgbt/resources/riggle-rostosky-horne.pdf> (last visited March 31,  
 22 2014), attached as **Exhibit 51**.

23  
 24  
 25  
 26 <sup>7</sup> The oft-cited “New Family Structures Study” by Mark Regnerus has been  
 27 thoroughly debunked by the scientific community. For a brief overview of the authorities  
 28 and cases assessing Regnerus’ work, see Human Rights Campaign, *Resources: Debunking*  
*Mark Regnerus and His Biased Junk Science*, ATHLETEFOREQUALITY.ORG (last visited  
 Apr. 14, 2014), available at [http://www.athleteforequality.org/resources/debunking-](http://www.athleteforequality.org/resources/debunking-mark-regnerus-and-his-biased-junk-science)  
[mark-regnerus-and-his-biased-junk-science](http://www.athleteforequality.org/resources/debunking-mark-regnerus-and-his-biased-junk-science), attached as **Exhibit 55**.

1           60. By denying same-sex couples the right to marry, Arizona harms the  
 2 institution that the Marriage Discrimination Laws purportedly protect. *See generally*  
 3 Gilbert Gonzales, *Same-Sex Marriage—A Prescription for Better Health*, 370:15 NEW ENG.  
 4 J. MED. 1373 (Apr. 10, 2014) (summarizing myriad health benefits marriage equality  
 5 imparts on same-sex couples and their children), attached as **Exhibit 52**; Gregory M.  
 6 Herek and Linda D. Garnets, *Sexual Orientation and Mental Health*, 2007.3 ANNU. REV.  
 7 CLIN. PSYCH. 353, 359–61 (2006) (explaining harms of stigmatization), attached as  
 8 **Exhibit 53**.

9           61. As one recent study put it:

10                   In all, it is now well-established that the adjustment of  
 11 children and adolescents is best accounted for by variations in  
 12 the quality of the relationships with their parents, the quality  
 13 of the relationship between the parents or significant adults in  
 14 the children's and adolescent's lives, and the availability of  
 15 economic and socio-economic resources. These process  
 16 factors, rather than family structure, affect adjustment in both  
 17 traditional and nontraditional families. *The parents' sex and*  
 18 *sexual orientation, like other characteristics of family structure, do*  
 19 *not affect either the capacity to be good parents or their children's*  
 20 *healthy development*. There is also no empirical support for the  
 21 notion that the presence of both male and female role models  
 22 in the home promotes children's adjustment or well-being.

23 Michael E. Lamb, *Mothers, Fathers, Families, and Circumstances: Factors Affecting Children's*  
 24 *Adjustment*, 16 APPLIED DEVELOPMENTAL SCI. 98, 106 (June 2012) (emphasis added), *available at*  
 25 <http://www.tandfonline.com/doi/abs/10.1080/10888691.2012.667344?journalCode=hads20#.Uz>  
 26 [k8cYX4KsI](http://www.tandfonline.com/doi/abs/10.1080/10888691.2012.667344?journalCode=hads20#.Uz), attached as **Exhibit 54**.

27           62. Today, the academic community confirms that marriage equality will help  
 28 destigmatize same-sex families and remove the historical and sociocultural barriers that  
 continue to harm them. *See Ex. 52 at 1373–74* (“Public health research has suggested not  
 only that discriminatory environments and bans on same-sex marriage are detrimental to  
 health but also that legalizing same-sex marriage . . . contributes to better health for  
 LGBT people.”); *see also* Decl. Jeanne A. Howard, Ph.D., *DeBoer v. Snyder*, 2014 WL  
 1100794, *appeal pending*, No. 14-1341 (6th Cir.), attached as **Exhibit 56**; Second Decl.

1 Jeanne A. Howard, Ph.D., *DeBoer v. Snyder*, 2014 WL 1100794, *appeal pending*, No. 14-  
2 1341 (6th Cir.), attached as **Exhibit 57**.

3  
4 DATED: April 21, 2014.

5 By *s/ Shawn K. Aiken - 009002*  
6 Shawn K. Aiken  
7 Heather A. Macre  
8 William H. Knight  
9 Stephanie McCoy Loquvam  
10 2390 East Camelback Road, Suite 400  
11 Phoenix, Arizona 85016

12 By *s/ Ryan J. Stevens - 026378*  
13 Ryan J. Stevens  
14 GRIFFEN & STEVENS LAW FIRM, PLLC  
15 609 North Humphreys Street  
16 Flagstaff, Arizona 86001

17 By *s/ Mikkel Steen Jordahl -- 012211*  
18 Mikkel Steen Jordahl  
19 MIKKEL (MIK) JORDAHL PC  
20 114 North San Francisco, Suite 206  
21 Flagstaff, Arizona 86001

22 By *s/ Mark Dillon -- 014393*  
23 Mark Dillon  
24 DILLON LAW OFFICE  
25 PO Box 97517  
26 Phoenix, Arizona 85060

27 By *s/ Herb Ely -- 000988*  
28 Herb Ely  
3200 North Central Avenue  
Suite 1930  
Phoenix, Arizona 85012

*Attorneys for Plaintiffs*

1 I hereby certify that on this 21<sup>st</sup> day of April, 2014 I electronically transmitted the attached  
2 document to the Clerk's Office using the CM/ECF System for filing and a copy was  
electronically transmitted to the following:

3 Kathleen P. Sweeney  
4 Todd M. Allison  
5 Assistant Attorneys General  
6 1275 West Washington  
7 Phoenix, Arizona 85007-2997  
8 [kathleen.sweeney@azag.gov](mailto:kathleen.sweeney@azag.gov)  
9 [todd.allison@azag.gov](mailto:todd.allison@azag.gov)  
10 Attorneys for Defendants

Jonathan Caleb Dalton  
Byron J. Babione  
Special Assistant Attorney General  
Alliance Defending Freedom  
15100 North 90th Street  
Scottsdale, Arizona 85260  
[CDalton@alliancedefendingfreedom.org](mailto:CDalton@alliancedefendingfreedom.org)  
[BBabione@alliancedefendingfreedom.org](mailto:BBabione@alliancedefendingfreedom.org)  
Attorneys for Defendants

11 *s/ DeAnn M. Buchmeier*

12 S:\Connolly - Pochert\21401001\Pleadings\MSJ-SOF 140421.docx

**STATEMENT OF FACTS  
EXHIBIT LIST**

<b>EX. NO.</b>	<b>DATE</b>	<b>DESCRIPTION</b>
1	03/27/14	Declaration of Joseph Connolly
2	03/27/14	Declaration of Terrel L. Pochert
3	03/24/14	Declaration of Suzanne Cummins
4	03/24/14	Declaration of Holly N. Mitchell
5	03/24/14	Declaration of Clark Rowley
6	03/24/14	Declaration of David Chaney
7	03/24/14	Declaration of R. Mason Hite, IV
8	03/24/14	Declaration of Christopher L. Devine
9	03/27/14	Declaration of Meagan Metz
10	03/27/14	Declaration of Natalie Metz
11	03/14/14	Declaration of Renee Kaminski
12	03/14/14	Declaration of Robin Reece
13	03/10/14	Declaration of Jeffrey Ferst
14	03/10/14	Declaration of Peter Bramley
15	03/2014	<i>Arizona Marriage Laws: A Compendium of Laws That Impact Marital Communities</i> (Apr. 2014)
16	08/2010	Jennifer C. Pizer and Sheila James Kuehl, <i>Same-Sex Couples and Marriage: Model Legislation for Allowing Same-Sex Couples to Marry or All Couples to Form a Civil Union</i> , THE WILLIAMS INSTITUTE (Aug. 2010), available at <a href="http://williamsinstitute.law.ucla.edu/wp-content/uploads/Pizer-Kuehl-Model-Marriage-Report.pdf">http://williamsinstitute.law.ucla.edu/wp-content/uploads/Pizer-Kuehl-Model-Marriage-Report.pdf</a> (last visited March 31, 2014).
17	01/14/80	Arizona Legislative Counsel, <i>Summary Analysis of S.B. 1033 Reg. Sess.</i> , Jan. 14, 1980.
18	02/25/80	Minutes of Senate Judiciary Comm., Feb. 25, 1980.
19	04/10/96	House Judiciary Comm. Debate, S.B. 1038, Apr. 10, 1996.
20	04/12/96	<i>House Votes to Prohibit Gay Marriage</i> , ARIZ. CAPITOL TIMES, Apr. 12, 1996.
21	04/05/96	<i>Gay Marriage Ban Defeated by Family Values</i> , ARIZ. CAPITOL TIMES, Apr. 5, 1996.
22	03/31/80	Minutes of House Judiciary Comm., March 31, 1980.
23	05/13/96	Corrected, Final Revised Fact Sheet for S.B. 1038 at 2, May 13, 1996.
24	04/10/96	House Comm. on the Whole Debate, S.B. 1038, Apr. 10, 1996.
25	04/12/96	House of Representatives, Third Read of S.B. 1038, Apr. 12, 1996.

26	2010	<i>Same-sex Couple Household Statistics from the 2010 Census</i> , U.S. CENSUS BUREAU 4, Map 2a., available at <a href="http://www.census.gov/hhes/samesex/files/ss-figures-and-maps.pdf">http://www.census.gov/hhes/samesex/files/ss-figures-and-maps.pdf</a> (last visited April 14, 2014).
27	2012	2012 American Community Survey, <i>Household Characteristics of Opposite-Sex and Same-Sex Couple Households</i> , U.S. CENSUS BUREAU, available at <a href="http://www.census.gov/hhes/samesex/files/ssex-tables-2012.xls">http://www.census.gov/hhes/samesex/files/ssex-tables-2012.xls</a> (last updated Sept. 12, 2013).
28	Feb. 2013	Gary J. Gates, <i>LGBT Parenting in the United States</i> , The Williams Institute at 1 (Feb. 2013), available at <a href="http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Parenting.pdf">http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Parenting.pdf</a> .
29	Sept. 2006	<i>2006 Ballot Proposition Guide: Proposition 107</i> , ARIZ. SEC'Y OF STATE (Sep. 2006), available at <a href="http://www.azsos.gov/election/2006/Info/PubPamphlet/Sun_Sounds/english/pr_op107.htm">http://www.azsos.gov/election/2006/Info/PubPamphlet/Sun_Sounds/english/pr_op107.htm</a> .
30		<i>State of Arizona Official Canvas, 2006 General Election</i> , ARIZ. SEC'Y OF STATE at 15 (Nov. 7, 2006), available at <a href="http://www.azsos.gov/election/2006/General/Canvass2006GE.pdf">http://www.azsos.gov/election/2006/General/Canvass2006GE.pdf</a> .
31	04/10/96	<i>Same Sex Marriage Ban Revived; Hate Crimes Bill Passes State Senate; Big Gain in House</i> , TUCSON OBSERVER, Apr. 10, 1996.
32	06/02/96	David Foster, <i>Divorced from Debate over Gay Marriages, Couples Live Details as Politicians Ponder Questions: The Inside Story</i> , ARIZ. REPUBLIC, June 2, 1996.
33	04/10/96	Dave Killebrew Ltr., Apr. 10, 1996 (attachment 4 to SB 1038 House Judiciary Comm. Legislative Record)
34	02/10/99	Mark R. Kerr, <i>State House in Uproar over Domestic Partner Legislation</i> , WEEKLY OBSERVER, Feb. 10, 1999.
35	03/03/99	Mark R. Kerr, <i>Legislature Attacks Gay and Lesbian Foster Parents</i> , WEEKLY OBSERVER, March 3, 1999.
36	02/24/14	House of Representatives, S.B. 1062/H.B. 2153 Legislative History.
37	12/19/13	Expert Report of George Chauncey, Ph.D., <i>DeBoer v. Snyder</i> , Civ. No. 12-CV-10285, 2014 WL 1100794 (E.D. Mich. March 21, 2014), <i>appeal pending</i> , No. 14-1341 (6th Cir.).
38	2002	Kenji Yoshino, <i>Covering</i> , 111 YALE L.J. 769, 798 (2002).
39	03/28/96	Howard Fischer, <i>Businesses Fear Costs of Same-Sex Marriages</i> , ARIZ. BUSINESS GAZETTE, March 28, 1996.

40	03/18/14	Martha Coakley and Bob Ferguson, <i>Equality Made Marriage Stronger in Our States</i> , THE SALT LAKE TRIBUNE, March 28, 2014, available at <a href="http://www.sltrib.com/sltrib/opinion/57734366-82/marriage-equality-divorce-states.html.csp">http://www.sltrib.com/sltrib/opinion/57734366-82/marriage-equality-divorce-states.html.csp</a> , (last visited Apr. 19, 2014).
41	2005	American Psychological Association, <i>Lesbian and Gay Parenting</i> at 15 (2005), available at <a href="http://www.apa.org/pi/lgbt/resources/parenting-full.pdf">http://www.apa.org/pi/lgbt/resources/parenting-full.pdf</a> (last visited April 19, 2014).
42	11/2002	American Psychological Association, <i>Position Statement: Adoption and Co-Parenting of Children by Same-sex Couples</i> (Nov. 2002).
43	12/20/13	Expert Witness Report of David Brodzyński, Ph.D., <i>DeBoer v. Snyder</i> , 2014 WL 1100794, <i>appeal pending</i> , No. 14-1341 (6th Cir.).
44	08/2010	Michael J. Rosenfeld, <i>Nontraditional Families and Childhood Progress Through School</i> , 47 DEMOGRAPHY 755 (Aug. 2010).
45	08/30/10	Adam Gorlick, <i>Children Raised by Gay Couples Show Good Progress Through School</i> , THE STANFORD REPORT (Aug. 30, 2010) available at <a href="http://news.stanford.edu/news/2010/august/gay-study-083010.html">http://news.stanford.edu/news/2010/august/gay-study-083010.html</a> (last visited March 31, 2014).
46	11/22/13	Decl. of Charlotte J. Patterson, Ph.D., <i>Kitchen v. Herbert</i> , 961 F.Supp.2d 1181 (Dec. 20, 2013).
47	03/04/14	Brief of <i>Amici Curiae</i> Equality Utah Foundation and Utah Pride Center, <i>Kitchen v. Herbert</i> , 961 F.Supp.2d 1181 (Dec. 20, 2013), <i>on appeal</i> , No. 4:04-cb-00848 (10th Cir.).
48	02/28/13	Brief of <i>Amicus Curiae</i> American Sociological Association, <i>Hollingsworth v. Perry</i> , 133 S.Ct. 2652 (2013).
49	06/21/07	Australian Human Rights and Equal Opportunity Commission, <i>Same-Sex: Same Entitlements</i> (2007), available at <a href="http://www.humanrights.gov.au/same-sex-same-entitlements">http://www.humanrights.gov.au/same-sex-same-entitlements</a> (last visited April 14, 2014).
50	02/2012	Abbie E. Goldberg and Katherine A. Kovalanka, <i>Marriage (In)equality: The Perspectives of Adolescents and Emerging Adults with Lesbian, Gay, and Bisexual Parents</i> , 74 J. MARRIAGE & FAM. 34, 50 (Feb. 2012), available at <a href="http://williamsinstitute.law.ucla.edu/wp-content/uploads/Goldberg-Kuvalanka-JMF-Feb-2012.pdf">http://williamsinstitute.law.ucla.edu/wp-content/uploads/Goldberg-Kuvalanka-JMF-Feb-2012.pdf</a> (last visited March 31, 2014).
51	2010	Ellen D. B. Riggle, Sharon S. Rostosky, and Sharon G. Horne, <i>Psychological Distress, Well-Being, and Legal Recognition in Same-Sex Couple Relationships</i> , 24 J. FAM. PSYCH. 82 (2010), available at <a href="http://www.apa.org/pi/lgbt/resources/riggle-rostosky-horne.pdf">http://www.apa.org/pi/lgbt/resources/riggle-rostosky-horne.pdf</a> (last visited March 31, 2014).

52	04/10/2014	Gilbert Gonzales, <i>Same-Sex Marriage—A Prescription for Better Health</i> , 370:15 NEW ENG. J. MED. 1373 (Apr. 10, 2014).
53	08/2011	Gregory M. Herek and Linda D. Garnets, <i>Sexual Orientation and Mental Health</i> , 2007.3 ANNU. REV. CLIN. PSYCH. 353, 359–61 (2006).
54	06/2012	Michael E. Lamb, <i>Mothers, Fathers, Families, and Circumstances: Factors Affecting Children’s Adjustment</i> , 16 APPLIED DEVELOPMENTAL SCI. 98, 106 (June 2012) (emphasis added), available at <a href="http://www.tandfonline.com/doi/abs/10.1080/10888691.2012.667344?journalCode=hads20#.Uzk8cYX4Ksl">http://www.tandfonline.com/doi/abs/10.1080/10888691.2012.667344?journalCode=hads20#.Uzk8cYX4Ksl</a> .
55	2011	Human Rights Campaign, <i>Resources: Debunking Mark Regnerus and His Biased Junk Science</i> , ATHLETEFOREQUALITY.ORG (last visited Apr. 14, 2014), available at <a href="http://www.athleteforequality.org/resources/debunking-mark-regnerus-and-his-biased-junk-science">http://www.athleteforequality.org/resources/debunking-mark-regnerus-and-his-biased-junk-science</a> .
56	03/19/12	Decl. Jeanne A. Howard, Ph.D., <i>DeBoer v. Snyder</i> , 2014 WL 1100794, <i>appeal pending</i> , No. 14-1341 (6th Cir.).
57	09/09/13	Second Decl. Jeanne A. Howard, Ph.D., <i>DeBoer v. Snyder</i> , 2014 WL 1100794, <i>appeal pending</i> , No. 14-1341 (6th Cir.).
58	Sept. 2008	<i>2008 Ballot Proposition Guide: Proposition 102</i> , ARIZ. SEC’Y OF STATE at 15 (Sept. 2008), available at <a href="http://www.azsos.gov/election/2008/Info/PubPamphlet/SunSounds/english/prop102.htm">http://www.azsos.gov/election/2008/Info/PubPamphlet/Sun Sounds/english/prop102.htm</a> .
59	11/04/08	<i>State of Arizona Official Canvas, 2006 General Election</i> , ARIZ. SEC’Y OF STATE at 15 (Nov. 4, 2008), available at <a href="http://www.azsos.gov/election/2008/General/Canvass2008GE.pdf">http://www.azsos.gov/election/2008/General/Canvass2008GE.pdf</a> .
60	04/10/96	Consideration of Bills: S.B. 1038 Floor Debate Minutes, House Judiciary Comm. (Apr. 10, 1996).
61	March 1996	Family Issue Fact Pack No. 96-3, <i>Protecting Marriage</i> , CAP at 1 (March 1996).
62	03/21/14	<i>DeBoer v. Snyder</i> , Civ. Action No. 12-CV-10285, 2014 WL 1100794 (E.D. Mich. March 21, 2014), <i>appeal pending</i> , No. 14-1341 (6th Cir.).
63	04/08/96	Proposed House of Representatives Amendments to S.B. 1038 (Apr. 8, 1996).