



FOR IMMEDIATE RELEASE

June 26, 2013

## Anthropologists Welcome Supreme Court Rulings in Historic Prop 8 and DOMA Cases

The [American Anthropological Association](#) (AAA) welcomed separate rulings by the US Supreme Court, which struck down the main provisions of the Defense of Marriage Act (DOMA), and also allowed same-sex marriage to remain legal in California.

In a 5-4 decision in the DOMA case, the Court ruled that same-sex couples who are legally married are now entitled to equal treatment under the law. Previously, DOMA defined marriage as a union between a man and a woman for federal purposes.

In the AAA's view, the US Supreme Court has properly found that same-sex couples that are legally married should have those marriages recognized under federal law. Before today's rulings, DOMA relegated gay men and women (and their legal marriages) to an inferior legal status. This decision only applies in those 12 states (and the District of Columbia) where same-sex marriages are currently legal. The decision reached today allows those in same sex marriages to receive, for example, equal treatment in terms of filing income taxes and receiving social security benefits.

In a separate ruling, the Court also dismissed a case that challenged the constitutionality of Proposition 8, a California state law that defines marriage as a union between a man and a woman. After two same-sex couples challenged Proposition 8 in federal court in California, the California government officials who would normally have defended the law in court declined to do so. The proponents of Proposition 8 stepped in to defend the law, and the California Supreme Court (in response to a request by the lower court) ruled that they could do so under state law. But today, the US Supreme Court held that the aforementioned proponents do not have the legal right to defend the law in court. As a result, it held that the decision by the U.S. Court of Appeals for the Ninth Circuit, the intermediate appellate court, has no legal force, and it sent the case back to that court with instructions for it to dismiss the case. In effect, by dismissing the appeal challenging the final order from the trial court, the order will go into effect. The order prohibits the Attorney General and Governor from enforcing Prop. 8, preserving for now the legality of same-sex marriage in California.

Earlier this year, the AAA filed an amicus brief on behalf of the case for invalidating Proposition 8. The AAA is the world's largest professional organization of anthropologists and others interested in anthropology. Its membership includes all specialties within anthropology, including cultural anthropology, linguistics, archeology, and biological anthropology. In 2004, the AAA adopted a *Statement on Marriage and the Family*, which observes, in part, that the results of more than a century of anthropological research on households, kinship relationships, and families, across cultures and through time, provide no support whatsoever for the view that either "civilization" or viable social orders depend upon marriage as an exclusively heterosexual institution. Rather, anthropological research supports the conclusion that a vast array of family types, including families built upon same-sex partnerships, can contribute to stable and humane societies. Most recently, AAA's newest digital publication [Open Anthropology](#) focuses on marriage and other arrangements.

*Continued...*



FOR IMMEDIATE RELEASE

June 26, 2013

## Anthropologists Welcome Supreme Court Rulings in Historic Prop 8 and DOMA Cases

*Continued...*

In the AAA's view, the US Supreme Court has properly found that DOMA institutionalizes discrimination against legally married same-sex couples at the national level. Further, in AAA's view, the State of California, having amended its Constitution to strip the right of same-sex couples to marry, is in violation of the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution.

As stated in our amicus brief, throughout history, state interference with the ability to marry has been a means of oppression and stigmatization of disfavored groups, serving to degrade whole classes of people by depriving them of the full ability to exercise a fundamental right.

This discrimination has been shown to have severe social and psychological impacts. By singling out gay men and women as ineligible for the institution of marriage, it invites the public to discriminate against them. And by depriving same-sex couples of the ability to marry, adverse effects are imposed on their children.

A majority of Americans support same-sex marriage and a growing number of states have recognized this public support by changing outmoded and discriminatory laws. National governments on several continents have arrived at this same recognition. It is highly appropriate that the US, ever concerned about the protection of human rights, finally end this offensive form of discrimination and acknowledge the right to marriage equality.

The DOMA case is *United States v. Windsor*, and the Prop 8 case is *Hollingsworth v. Perry*.

*Founded in 1902, the AAA now has more than 12,000 members worldwide. The Association is dedicated to the study of humankind in all its aspects, to the dissemination of anthropological knowledge, and to the use of this knowledge in solving human problems.*

**Contact:**

Joslyn Osten  
Manager, Marketing and Communications  
703-528-1902 x1171  
[josten@aaanet.org](mailto:josten@aaanet.org)

**Media Resources:**

American Anthropological Association  
2300 Clarendon Boulevard, Suite 1301  
Arlington, VA 22201  
[www.aaanet.org](http://www.aaanet.org)

**AAA Statement on Marriage and the Family:**

<http://www.aaanet.org/issues/policy-advocacy/Statement-on-Marriage-and-the-family.cfm>

**Open Anthropology**

[www.aaaopenanthro.org](http://www.aaaopenanthro.org)