

## U.S. Attorney's Report to the District

President Obama recently signed a presidential proclamation declaring this month to be national LGBT Pride Month. In the proclamation, he called upon the people of the United States “to eliminate prejudice everywhere it exists, and to celebrate the great diversity of the American people.” U.S. Attorney General Eric Holder has repeatedly described the road to LGBT equality as “a defining civil rights challenge of our time.” The U.S. Department of Justice has backed up these words with concrete actions to promote equality.

The Shepard-Byrd Hate Crimes Prevention Act, enacted in 2009, created the first federal criminal statute to protect victims targeted for violence because of their gender identity, and the Department has brought criminal hate crime prosecutions under that statute. In 2012, the Attorney General issued guidance that clarified that the longstanding constitutional prohibition on exercising juror strikes based on race also extended, as a matter of Department policy, to juror strikes based on sexual orientation.

In February 2011, the Attorney General announced that the Department of Justice would no longer defend the constitutionality of Section 3 of the Defense of Marriage Act, which defined “marriage” and “spouse” under federal law as only applying to persons in opposite-sex marriages. A little over two years later, in *United States v. Windsor*, the Supreme Court agreed, striking down Section 3 as an unconstitutional deprivation of liberty under the Fifth Amendment. Earlier this year, following court decisions in Utah and Michigan which struck down impediments to same sex marriages in those states, Attorney General Holder issued statements recognizing lawful same-sex marriages conducted in those states for all purposes under federal law.

In February of this year, the Attorney General issued a policy memorandum requiring the Department of Justice to provide equal treatment for same-sex married couples in a wide array of contexts. Henceforth, components of the Department that administer benefit and compensation programs will recognize the rights of spouses in same-sex marriages. Criminal statutes that involve marital status, such as those prohibiting threats against the family member of a federal official, for example, will be applied to the maximum extent possible to same-sex as well as opposite-sex marriages. At the same time, U.S. Department of Justice attorneys will respect invocations of the marital communications privilege and the marital testimonial privilege in federal cases when asserted by participants in same-sex marriages. The policy also extends to interpretations of the U.S. Bankruptcy Code, and to visitation and notification rights afforded by the U.S. Bureau of Prisons. In announcing these changes, the Attorney General declared that it is the Department's policy to recognize lawful same-sex marriages as broadly as possible, to ensure equal treatment for all members of society regardless of sexual orientation.

Statutes, policies and practices such as those mentioned above are critical steps forward, but there is no question that much remains to be done in confronting the civil rights challenge of our time. In this period of profound progress and change, the U.S. Department of Justice has

taken a leading role. This office is proud to be a part of that effort and is committed to doing all that it can to help achieve equality for all Americans.

If you would like to communicate with our office, contact the main number in Sacramento, or submit a suggestion by clicking on the button below. Thank you.

United States Attorney

*Benjamin B. Wagner*