

# THOMAS MORE SOCIETY

*A National Public Interest Law Firm*

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June 20, 2012

## VIA FACSIMILE & EMAIL

Dear Clerk:

We are writing to you about the two lawsuits that have been filed in Chicago by the ACLU and Lambda Legal Defense Fund challenging the Illinois Defense of Marriage Act, which prohibits same-sex marriages in our State. The challenges to the law are based solely on the Illinois Constitution, and the only named defendant in these cases is David Orr, the Cook County Clerk. Through his attorney, State's Attorney Anita Alvarez, Mr. Orr has filed an answer to the complaints agreeing with the ACLU and Lambda Legal and claiming that the Defense of Marriage Act is unconstitutional, a view shared in papers filed by the Attorney General's Office. Because of these actions, there is now no one in either case defending the Act. Without a defense, the Act will be struck down by the Circuit Court.

Normally, the relevant government officials would defend Illinois law against a challenge like this. The case is now on a fast-track to conclusion, without a single argument made in support of our marriage law, and without any party present to appeal to the Illinois Supreme Court, which ought to pass on such a momentous matter of constitutional dimension and statewide significance.

The action by these public officials has been described as "unprecedented" by numerous commentators, and rightfully so. As attorneys, we look to case precedent to determine whether a law is constitutional. Laws similar to our Defense of Marriage Act have been upheld by a substantial majority of the state and federal courts that have considered challenges to those laws. For the most part, the minority of state courts that have decided otherwise have based their decisions on legal principles peculiar to their own state constitutions, not to principles that would govern the interpretation of the Illinois Constitution or the outcome of these cases. We believe that the Illinois Defense of Marriage Act will be upheld in court – assuming a party with standing comes forward to mount a robust defense of the Act.

What many do not realize is that the ACLU/Lambda Legal lawsuits will have statewide implications, including in your county. The twenty-five same sex couples who are plaintiffs in the two suits come from all corners of the State – from Marion to Aurora, from Champaign to Rock Island. These couples intend to go to Chicago, obtain same-sex marriage licenses, marry in Cook County, and then seek to have those licenses recognized in their home counties, wreaking havoc on our State's marriage law.

The only way to prevent this from happening is for others to seek to "intervene" to defend our State's marriage law. At the Thomas More Society, our legal team has researched the issues extensively, and we believe that county clerks from other counties – public officials charged with the sacred duty of administering marriage licenses – have the strongest standing to go to court and defend our law.

Our team of experienced Illinois attorneys stands ready to represent you, along with other county clerks, or to assist your own State's Attorney, to oppose the ACLU/Lambda Legal effort to have our State's marriage laws overturned. As a public interest law firm, we would be pleased to represent you

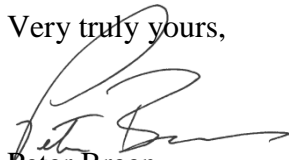
without any cost or obligation on the part of your office or your county. We have the experience to win this case, as we've litigated numerous high-profile cases in Illinois and across the country, some of which we've detailed in the brief profile of our legal team enclosed with this letter.

Today, our State faces an historic challenge to its marriage law – a challenge that you, by the office entrusted to you by the people of your county, are uniquely situated to meet. Please help us meet that challenge, and defeat it.

In the 32 states where marriage between one man and one woman has been put to a vote, marriage has won, usually resoundingly. The results are the same whether the state is “red” or “blue” or somewhere in the middle. The people’s representatives, our legislators in Springfield, have also consistently supported marriage between one man and one woman.

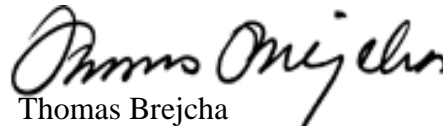
Because time is of the essence, we would ask you to contact us immediately if you would like to be a part of this effort. You may sign the attached form and return it to us via facsimile at 312-782-1887 or via email at [info@thomasmoresociety.org](mailto:info@thomasmoresociety.org). Please do not hesitate to call us, as well, with any questions or concerns you may have.

Very truly yours,



Peter Breen  
Executive Director & Legal Counsel

Very truly yours,



Thomas Brejcha  
President & Chief Counsel

Enclosures