

**STATE OF MINNESOTA
IN COURT OF APPEALS
A11-081116**

Douglas Benson, Duane Gajewski, Jessica Dykhuis, Lindzi Campbell,
Sean Campbell, Thomas Trisko and John Rittman,

Appellants,

vs.

Jill Alverson, in her official capacity as the Hennepin County
Local Registrar, and State of Minnesota,

Respondents.

BRIEF OF RESPONDENT JILL ALVERSON

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FACTUAL BACKGROUND

On March 6, 2009, agents of Respondent Jill Alverson denied Appellants marriage licenses because the applications indicated that they were for individuals of the same sex. Addendum at 13-14. The Amended Complaint alleges that Respondent Alverson's agents acted in compliance with Minnesota state law when they denied Appellants' marriage license applications. Addendum at 12-13. Accordingly, there is no dispute that Respondent Alverson's agents denied Appellants marriage licenses, or that their actions were ministerial and not policy related in anyway.

It is also undisputed that Minnesota law prohibits marriages between persons of the same sex. Section 517.01 of Minnesota Statutes states: "Marriage, so far as its validity in law is concerned, is a civil contract between a man and a woman, to which the consent of the parties, capable in law of contracting, is essential." Section 517.03 of Minnesota Statutes also states:

"(a) The following marriages are prohibited

....

(4) a marriage between persons of the same sex."

As the local registrar for the County of Hennepin, Respondent Jill Alverson merely has a ministerial role in following Minnesota state law directives in administering Minnesota's laws related to marriage and specifically with respect to issuing Minnesota marriage licenses. *See* Minn. Stat. §§ 144.213 – 144.214. Thus, the Amended Complaint challenges Minnesota's laws and not the specific actions of Ms. Alverson's agents.

The Amended Complaint seeks as declaration that "Minnesota's prohibitions on marriages by same sex couples. . . are invalid and unconstitutional under the Minnesota

Constitution.” Addendum at 29. Specifically, Appellants assert that Minnesota laws violate five separate provisions of the Minnesota Constitution:

- (1) due process of law, Minn. Const. Art. I, section 7 (Count I);
- (2) single subject provision; Minn. Const. Art. IV, section 16 (Count II);
- (3) equal protection of law, Minn. Const. Art. I, section 2 (Count III);
- (4) freedom of conscience, Minn. Const. Art. I, section 16 (Count IV); and
- (5) freedom of association, Minn. Const. Art. I, section 1, 2, and 16 (Count V).

The Prayer for Relief states that the relief requested is to strike down Minnesota’s ban on same sex marriage. In addition, Plaintiffs seek extraordinary declaratory relief “that any further provision of Minnesota law related to who may marry, who is a spouse, husband, or wife, who receives the benefits and/or obligations of marriage, and similar provision [of state law] are to be interpreted in a gender-neutral manner, without distinction between opposite sex couples and same sex couples.” Addendum at 29. This prayer for relief relates to 515 different Minnesota laws that Plaintiffs assert discriminate against same-sex couples. Addendum at 10. Respondent Alverson plays virtually no role in administering any of these 515 laws.

The State of Minnesota and Respondent Alverson responded to the Amended Complaint by filing motions to dismiss pursuant to Minnesota Rules of Civil Procedure 12.02. The district court granted these motions. The district court concluded that Counts I, III, and V of the Amended Complaint, alleging Minnesota’s laws violated due process, equal protection, and freedom of association, failed as a matter of law based on *Baker v. Nelson*, 191 N.W.2d 185 (Minn. 1971). Addendum at 6-8 and 14-15. The district court

also concluded that Minnesota's Defense of Marriage Act, Minn. Stat. § 517.03, subd. 1(4), ("MN DOMA") did not violate Minnesota's single-subject constitutional provision. (Count II) Addendum at 8-10. Finally, the court concluded that MN DOMA does not unconstitutionally interfere with or infringe upon religious freedoms. (Count IV) Addendum at 10-14.

SUMMARY ARGUMENT

Appellants' lawsuit raises important constitutional issues that have broad and significant state-wide implications. Appellants seek to strike down Minnesota's law prohibiting same sex individuals from obtaining a marriage license. The issue of whether same-sex couples should be provided the same ability to obtain a marriage license as opposite-sex couples has been hotly debated in Minnesota and throughout the nation. Respondent Alverson is named in this case because she is required by Minnesota state law to only issue marriage licenses to opposite sex couples. She, and those that work for her, perform the ministerial function of issuing state marriage licenses. In other words, Respondent Alverson has been named in this suit because, as the local registrar, she implements the State of Minnesota's marriage requirements.

Because Respondent Alverson is merely an agent of that State of Minnesota executing the state's policy, in this litigation she joins the substantive arguments made by the State of Minnesota regarding the constitutionality of Minnesota's laws prohibiting same sex marriage. In addition, because the State of Minnesota is also arguing that it is not a proper party to this action, Respondent Alverson briefly responds to each of the substantive arguments made by Appellants.

ARGUMENT

Respondent Alverson asserts that the Court should affirm the district court's dismissal of this suit as a matter of law. Because the district court dismissed Petitioners' claims as a matter of law, pursuant to Minn. R. Civ. P. 12.02(e), this Court's review of the district court's holdings is de novo. *See Bahr v. Capella University*, 788 N.W.2d 76, 80 (Minn. 2010)

Before reaching the merits of this appeal, it is important for the Court to understand the role of the local registrar as it relates to the laws related to who is allowed to marry in the state of Minnesota. The actions that are required to be taken by local registrars related to marriage licenses and marriage certificates are proscribed in detail in state law and enforced by the State Registrar. *See, e.g.*, Minn. R. 4601.0300 (the local registrars must "comply with the procedure established by the state registrar.")

Pursuant to Minn. Stat. § 517.07, before "any persons are joined in marriage, a license shall be obtained from the local registrar of any county." The form of the application for marriage is dictated by Minn. Stat. § 517.08. Included in the required form is "the full names of parties and the sex of each party." Minn. Stat. § 517.08, subd. 1a(1). The parties seeking a license must pay a fee for the marriage license. The fee is \$115, unless the parties have undergone 12 hours of premarital education in which case the fee is \$40. The fee is collected by the local registrar. The county keeps \$25 of the fee collected and the remainder is sent to the State of Minnesota. *Id.* § 517.08, subd. 1c(a) and (b).

After a marriage license is obtained, the parties must have the marriage solemnized. *See* Minn. Stat. § 517.09. The person solemnizing the marriage creates a certificate regarding the marriage and provides this to the local registrar who then has an obligation to record this marriage. *See* Minn. Stat. § 517.10. The local registrar then must report this data to the State Registrar. *See* Minn. Stat. § 144.223. The data required to be collected and transmitted to the State Registrar includes personal information on the bride and groom.

Respondent Alverson, the local registrar, has no authority to defy state law, to make or influence state policy, or even the authority of the State Registrar. *See State ex rel. Clinton Falls Nursery Co., v. Steele County Bd. Of Com'rs*, 232 N.W. 737, 738 (Minn. 1930) (holding that an official “charged with the performance of a ministerial duty [is] not . . . allowed to question the constitutionality of such a law”); *Mower County Board v. Board of Trustees of PERA*, 136 N.W.2d 671, 675-76 (Minn. 1965) (concluding that the County Board did not have standing to challenge the constitutionality of certain provisions of PERA that imposed a ministerial duty on the County); *Lockyer v. City and County of San Francisco*, 95 P.3d 459, 472-476 (Cal. 2004) (holding that county recorder, who is charged with the ministerial duty of enforcing a California’s marriage statute, does not possess the authority to disregard the terms of the statute in the absence of a judicial determination that it is unconstitutional). Accordingly, because she is acting as an agent of the State of Minnesota and performing a ministerial role proscribed by state law, Respondent Alverson believes it is appropriate to primarily rely upon the

arguments made by the State of Minnesota regarding the constitutionality of Minnesota's marriage laws.

Accordingly, for the reasons identified by the State of Minnesota in its brief and the reasons highlighted below, Respondent Alverson respectfully requests that the Court affirm the district court's decision dismissing all claims against Respondent Alverson as a matter of law.

I. THE LAWS OF THE STATE OF MINNESOTA BAN SAME-SEX MARRIAGE, THESE LAWS HAVE NOT BEEN STRUCK DOWN OR CALLED INTO QUESTION BY A MINNESOTA COURT AND RESPONDENT ALVERSON COMPLIED WITH THESE LAWS.

Appellants have challenged the constitutionality of Minnesota's laws prohibiting same sex marriage on several grounds. It is undisputed that Minnesota law prohibits marriages between persons of the same sex. Section 517.01 of Minnesota Statutes states: "Marriage, so far as its validity in law is concerned, is a civil contract between a man and a woman, to which the consent of the parties, capable in law of contracting, is essential." In addition, Section 517.03 of Minnesota Statutes states that "a marriage between persons of the same sex" is "prohibited." Minn. Stat. § 517.03(a)(4).

Approximately 40 years ago, the Minnesota Supreme Court addressed a challenge to Minnesota law prohibiting same sex marriage. In *Baker v. Nelson*, the petitioners argued that they were entitled to a marriage license under Minnesota Statute § 517.08, and, alternatively, that Minnesota's law, which permitted only opposite-sex marriages denied them due process and equal protection under the United States Constitution. 191 N.W.2d 185, 186-87 (Minn. 1971), *appeal dismissed by* 409 U.S. 810 (1972). The trial

court denied relief, and the Minnesota Supreme Court affirmed. The Minnesota Supreme Court concluded that the Minnesota law prohibited same sex marriage and stated: “[w]e hold . . . that Minn. St. c. 517 does not authorize marriage between persons of the same sex and that such marriages are accordingly prohibited.” *Id.* at 186. The Court also held that this prohibition on same-sex marriages did not violate petitioners' due-process and equal-protection rights. *Id.* at 185-87. In denying the relief requested the Court stated:

The constitutional challenges [identified by Petitioners] have in common the assertion that the right to marry without regard to the sex of the parties is a fundamental right of all persons and that restricting marriage to only couples of the opposite sex is irrational and invidiously discriminatory. We are not independently persuaded by these contentions and do not find support for them in any decisions of the United States Supreme Court. The institution of marriage as a union of a man and a woman, uniquely involving the procreation and rearing of children within a family is as old as the book of Genesis.

Id. at 186. The Court went on to state that “[t]he equal protection clause of the Fourteenth Amendment, like the due process clause, is not offended by the state's classification of persons authorized to marry. There is no irrational or invidious discrimination.” *Id.* at 187. The Court concluded by stating definitively: “We hold, therefore, that Minn. St. c. 517 does not offend the First, Eighth, Ninth, or Fourteenth Amendments to the United States Constitution.” *Id.* On further appeal to the United States Supreme Court, the Court dismissed the appeal “for want of a substantial federal question.” 409 U.S. at 810.

During the past several years there have been a number of cases decided outside of Minnesota regarding the constitutionality of same sex marriage. *Compare Perry v. Schwartzenager*, 704 F.Supp. 2d 921, 995-96 (N.D. Cal. 2010) (holding that California’s ban on same sex marriage violated due process and equal protection provisions of the

U.S. Constitution), *stay granted*, 2010 WL 3212786, (9th Cir., Aug. 16, 2010); *Varnum v. Brien*, 763 N.W. 2d 862, 907 (Iowa 2009) (holding that Iowa's ban on same sex marriage violated the equal protection provisions of the Iowa Constitution); *Kerrigan v. Comm'r of Pub. Health*, 957 A.2d 407, 431 (Conn. 2008) (holding that Connecticut's ban on same sex marriage violated the equal protection provisions of the Connecticut's Constitution); *with Citizens for Equal Prot. v. Bruning*, 455 F.3d 859, 866 (8th Cir. 2006) (holding Nebraska constitutional amendment limiting marriage to a man and a woman did not violate Equal Protection Clause or First Amendment); *Hernandez v. Robles*, 855 N.E.2d 1, 6 (N.Y. 2006) ("By limiting marriage to opposite-sex couples, [the State] is not engaging in sex discrimination. The limitation does not put men and women in different classes, and give one class a benefit not given to the other. Women and Men are treated alike-they are permitted to marry people of the opposite sex, but not people of their own sex."); *Andersen v. King Co.*, 138 P.3d 963, 987-89 (Wash. 2006) (holding that the state DOMA does not discriminate on the basis of sex and cataloging the various cases from other jurisdictions interpreting their own equal rights amendments).

However, the law in Minnesota has not changed. Minn. Stat. §§ 517.01 and .03 are presumed to be constitutional. *See State v. Tennin*, 674 N.W.2d 403, 407 (Minn. 2004). Because of this presumption courts "will strike down a statute as unconstitutional only if absolutely necessary." *State v. Cox*, -- N.W.2d --, 2011 WL 2340533 at *2 (Minn. June 15, 2011). The Minnesota Supreme Court's decision in *Baker*, although not direct controlling precedent for a challenged based on the Minnesota Constitution, holds that Minnesota's law only recognizing marriage between a man and a woman does not violate

the U.S. Constitution. Thus for Appellants to prevail on the constitutional claims that are found in both the U.S. and Minnesota constitutions, this Court would need to find that even though more than 40 years ago the Minnesota Supreme Court held Minnesota's laws did not violate the U.S. Constitution, these laws violate Minnesota's constitutional provisions protecting these same rights. In light of the extremely similar constitutional provisions, the district court properly determined that *Baker* compels dismissal of three of Appellants' claims. The district court also properly determined that Appellants other claims failed as well.

II. THE DISTRICT COURT'S CONCLUSION THAT APPELLANTS' CLAIMS FAILED AS A MATTER OF LAW WAS SOUND.

A. The District Court Correctly Held that Minnesota's Prohibition on Same-Sex Marriage Does Not Violate Minnesota's Constitutional Provisions on Equal Protection or Due Process of Law.

This Court should affirm the district court's decision that Appellants' claims predicated on due process and equal protection fail as a matter of law. Count I of the Complaint alleges Minnesota's prohibition on same sex marriages violates Article I, Section 7 of the Minnesota Constitution, which states in part "[n]o person shall . . . be deprived of life, liberty, or property without due process of law. . ." Count III alleges Minnesota's prohibition on same sex marriage violates Article I, Section 2 of the Minnesota Constitution, which states in part "[n]o member of this state shall . . . be deprived of any rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers."

The district court held that *Baker v. Nelson* clearly disposed of these equal protection and due process claims. Addendum at 6-8. The district court stated that even though *Baker* was based on the U.S. Constitution, *Baker* was binding precedent on lower courts and there was no basis to conclude the Minnesota Supreme Court would analyze the equal protection and due process provisions of the Minnesota Constitution more broadly than these same provisions in the U.S. Constitution with respect to same sex marriage. Addendum at 6-8. The district court stated that “[a] fair reading of *Baker* demonstrates that the Minnesota Supreme Court was not sympathetic to the *Baker* plaintiffs’ claims.” Addendum at 8. Recognizing that *Baker* was not based on the Minnesota Constitution, the district court concluded by stating specifically, that *Baker* compelled dismissal of these claims because the Minnesota “Supreme Court had not reached ‘a clear and strong conviction that there is a principled basis for greater protection’ of same-sex couples under the State Constitution.” Addendum at 8 (citing *Kahn v. Griffin*, 701 N.W.2d 815, 828 (Minn. 2005)). Accordingly, the district court concluded that based on the *Baker* decision, Appellants claim predicated on the equal protection and due process clauses of the Minnesota Constitution failed as a matter of law. The district court’s legal analysis and conclusion on these counts is sound.

Appellants make several arguments challenging this portion of the district court’s order. First, Appellants argue that the Court should employ heightened scrutiny when analyzing this question. App. Brief at 24-29. Appellants base this argument primarily on a letter from U.S. Attorney General Eric Holder to Speaker of the U.S. House of Representatives John Boehner dated February 23, 2011, in which the Attorney General

indicates that pursuant to 28 U.S.C. § 530D, the U.S. Department of Justice (“DOJ”) will not defend several cases challenging Section 3 of the U.S. Defense of Marriage Act (“U.S. DOMA”). Appendix at 25. The letter points out that the DOJ will not defend U.S. DOMA in circuits in which there is no precedent on whether heightened scrutiny or rational basis should be used when reviewing claims based on sexual-orientation classifications. Attorney General Holder’s letter states specifically that the DOJ believes strict scrutiny should apply and that U.S. DOMA does not satisfy strict scrutiny and therefore, the DOJ will no longer defend U.S. DOMA. The letter also states, however, that if the district court determines that rationale basis review should apply, the DOJ will inform the court that “consistent with the position [the DOJ] has taken in prior cases, a reasonable argument for Section 3’s constitutionality may be proffered under [a rational basis] standard.” Appendix at 33.

Unlike the authority granted to the U.S. Department of Justice pursuant to 28 U.S. § 530D, Respondent Alverson does not have authority to independently determine what Minnesota laws she will follow or whether Minnesota’s laws violate the Minnesota Constitution. *See State ex rel. Clinton Falls Nursery Co., v. Steele County Bd. Of Com’rs*, 232 N.W. 737, 738 (Minn. 1930); *Mower County Board v. Board of Trustees of PERA*, 136 N.W.2d 671, 675-76 (1965).

While Attorney General Holder and several Circuit Courts of Appeal have held that classifications based on sexual orientation are subject to strict scrutiny, the Minnesota Supreme Court has not. Neither the Minnesota Supreme Court, nor the U.S. Supreme Court has held that sexual orientation classifications are subject to heightened

scrutiny. In fact, unlike the First and Second Circuit Courts of Appeals (which are the circuits at issue in Attorney General Holder's letter), the Eighth Circuit Court of Appeals has held that under the U.S. Constitution, sexual orientation classifications are subject to rational basis scrutiny. See *Citizens for Equal Prot. v. Bruning*, 455 F.3d 859, 866 (8th Cir.2006), *reh. and reh. en banc denied* (Aug 30, 2006). In addition, while *Baker* does not explicitly articulate a standard of review, the court applied a rational basis test. See *Baker*, 191 N.W.2d at 187 (stating "there is no irrational or invidious discrimination" and "in commonsense and in a constitutional sense, there is a clear distinction between a marital restriction based merely upon race and one based upon the fundamental difference in sex."). Accordingly, *Baker* compels this Court to apply a rational basis standard of review. Thus, the DOJ's decision not to defend U.S. DOMA, where the relevant appellate authority had not determined what standard of review applied, does not compel a different outcome here. Both the Minnesota Supreme Court and the Eighth Circuit have concluded that rational basis is the appropriate standard of review. Absent different direction from the Minnesota Supreme Court, the law in Minnesota is that sexual orientation classifications are subject to rational basis review.

Second, Appellants argue that even if a rational basis test is applied their claim does not fail as a matter of law. Appellants cite a number of cases from other jurisdictions in which courts have concluded that even under a rational basis test that laws prohibiting same sex marriage are unconstitutional. App. Brief at 29-30. Appellants also cite *State v. Russell*, for the proposition that Minnesota has a stricter rational basis test than that required by the U.S. Supreme Court. 477 N.W.2d 886, 889 (Minn. 1991). The

Baker court, however, applied a rational basis review and concluded that Minnesota’s prohibition on same sex marriages did not violate the Due Process Clause or the Equal Protection Clause of the U.S. Constitution. Because, the Minnesota Supreme Court has not reached “a clear and strong conviction that there is a principled basis for greater protection of the individual civil and political rights of Minnesota’s citizens under the state constitution” with respect to same sex marriage, the district court was bound to follow *Baker*. *Kahn v. Griffin*, 701 N.W.2d 815, 828 (Minn. 2005). Similarly, this Court is required to follow *Baker* and affirm the district court’s dismissal of Counts I and III of Appellants’ Amended Complaint.

For the reasons detailed in the State of Minnesota’s Brief (which Respondent Alverson hereby incorporates by reference) and the reasons highlighted above, Respondent Alverson asserts the district court’s decision dismissing Counts I and III is sound and should be affirmed.

B. The District Court Correctly Held that Minnesota’s Prohibition on Same-Sex Marriage Does Not Violate Minnesota’s Constitutional Provision on Freedom of Association.

The district court properly concluded that Appellants’ claim (Count V) that Minnesota’s prohibition on same sex marriages violates Article I, Section 16 of the Minnesota Constitution failed as a matter of law. Appellants allege that these laws violate their freedom of association; not just their right to free exercise of religious beliefs (Count IV, which is discussed below). Article I, Section 16 does not specifically enumerate freedom of association as a right. Courts have recognized freedom of association as derivative of first amendment rights under the U.S. Constitution. *See e.g.*,

Metro Rehab. Svs., Inc. v. Westberg, 386 N.W.2d 698, 700 (Minn. 1986). While freedom of association is mentioned in several Minnesota cases, there are no cases indicating that the right to freedom of association is an independently recognized right under the Minnesota Constitution.

Regardless of whether this right is found in the Minnesota Constitution, the district court's decision denying this claim as a matter of law was sound. In *Baker*, the Minnesota Supreme Court disposed of all first amendment claims without discussion. 191 N.W.2d at 186, n.2. As freedom of association is derivative of rights in the First Amendment, *Baker* compels dismissal of this claim as a matter of law. Accordingly, for this reason and those articulated by the State of Minnesota in its Brief (which Respondent Alverson hereby incorporates by reference), this Court should affirm the district court's denial of Count V as a matter of law.

C. The District Court Correctly Held that Minnesota's Prohibition on Same-Sex Marriage Does Not Violate Minnesota's Constitutional Provision on Freedom of Conscience.

The district court properly concluded that Appellants' claim that Minnesota's prohibition on same sex marriages infringed upon Appellants' ability to freely exercise their religion in violation of Article I, Section 16 of the Minnesota Constitution failed as a matter of law. Addendum at 10-14. The Minnesota Supreme Court has stated that to determine whether government action violates this provision, the Court examines: (1) whether the belief is sincerely held; (2) whether the state action burdens the exercise of religious beliefs; (3) whether the state interest is overriding or compelling; and (4) whether the state uses the least restrictive means. *See Hill-Murray Fed'n of Teachers v.*

Hill-Murry High Sch., 487 N.W.2d 857, 865 (Minn. 1992). The district court concluded that *Baker* did not compel dismissal of this claim. Addendum at 13-14. However, the district court concluded that as a matter of law, Appellants did not satisfy the second prong of the *Hill-Murray* test. Addendum at 13-14. This conclusion is well-founded.

There is no dispute that Minnesota's prohibition of same-sex marriages does not prohibit religious ceremonies between same sex individuals. Instead, Appellants claim that by only recognizing marriages between a man and a woman, Minnesota's laws burden their exercise of religion. App. Brief at 48. Thus, as the district court found, the relevant inquiry is whether Minnesota's laws prohibiting same-sex marriage burden individuals' right to exercise religious beliefs that approve of same-sex marriage. Addendum at 13. In other words, by recognizing some marriages in state law, does the State violate an individual's right to exercise his or her religion if it fails to recognize marriages that the individual's religion recognizes?

The district court concluded that this did not violate Article I, Section 16 of the Minnesota Constitution and concluded by stating:

The State's choice to recognize opposite-sex marriages performed in churches, but not same-sex marriages is a decision within the purview of the State's power to prohibit certain marriages without unconstitutionally interfering in religious freedoms. The Court is unable to conclude that any state action has burdened the exercise of religious beliefs through the enactment and enforcement of the State DOMA.

Id. at 13-14. This is a sound conclusion.

Accordingly, for these reasons and those articulated by the State of Minnesota in its Brief (which Respondent Alverson hereby incorporates by reference), Respondent Alverson asserts the Court should affirm dismissal of Count IV as a matter of law.

D. The District Court Correctly Held that Minnesota’s DOMA Does Not Violate Minnesota’s Single-Subject Constitutional Provision.

Finally, the Court should affirm the district court’s holding that Senate File No. 1908 (1997) encompassed a single subject and did not violate Art. IV, § 17 of the Minnesota Constitution. “The [Single Subject and Title Clause] is construed liberally and laws will meet the requirements of the clause so long as all of the provisions within ‘fall under some one general idea, [are] so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject.’” *Townsend v. State*, 767 N.W.2d 11, 13 (Minn. 2009) (quoting *Johnson v. Harrison*, 50 N.W. 923, 924 (Minn. 1891)). In *Townsend*, the Court found that a provision changing the requirement for post conviction relief petitions was sufficiently related to public safety to satisfy the Single Subject clause. *Id.* at 14. The Court stated “[a]lthough it is certainly a wide-ranging bill, the various sections ‘fall under some one general idea.’” *Id.* at 13-14 (quoting *Johnson*, 50 N.W. at 924).

Minnesota’s DOMA was part of Senate File No. 1908 (May 17, 1997), which is titled:

A bill for an act relating to human services; appropriating money; changing provisions for healthcare, long-term care facilities, children’s programs, child support enforcement, continuing care for disabled persons; creating a demonstration project for persons with disabilities; changing provisions for marriage; accelerating state payments; making technical reform to welfare reform . . .

(emphasis added). The district court concluded that the general subject of Senate File No. 1908 is that of families and children. Addendum at 10. This conclusion is well-founded. Consistent with construing the single-subject provision liberally, Senate File No. 1908, while obviously reaching a number of areas, meets the constitutional test of falling under one general idea. Accordingly, for this reason and for those articulated by the State of Minnesota in its Brief (which Respondent Alverson hereby incorporates by reference), the Court should affirm the district court's holding dismissing Appellant's single-subject argument as a matter of law.

CONCLUSION

For the foregoing reasons and for the reasons articulated by the State of Minnesota in its Brief, Respondent Alverson respectfully requests the Court affirm the district court's dismissal of all claims against Respondent Alverson.

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No. A11-081116

STATE OF MINNESOTA
IN COURT OF APPEALS

Douglas Benson, Duane Gajewski, Jessica
Dykhuis, Lindzi Campbell, Sean Campbell,
Thomas Trisko and John Rittman,

Appellants,

**CERTIFICATION OF BRIEF
LENGTH**

vs.

Jill Alverson, in her official capacity as the
Hennepin County Local Registrar, and
State of Minnesota,

Respondent.

I hereby certify that this brief conforms to the requirements of Minn. R. Civ. App.
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