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August 25, 2014

The Honorable Rick Scott
Governor
State of Florida
The Capitol
400 S. Monroe Street
Tallahassee, FL 32399

The Honorable Pam Bondi
Attorney General
State of Florida
The Capitol
400 S. Monroe Street
Tallahassee, FL 32399

RE: Urge No Appeal of Federal District Court decision on marriage equality in Florida

Dear Governor Scott and Attorney General Bondi:

I urge you *not* to appeal the landmark decision issued last Thursday by the U.S. District Court of the Northern District of Florida relating to marriage equality in the State of Florida. U.S. District Court Judge Robert L. Hinkle ruled that Florida's ban on marriage equality and prohibition on the recognition of marriages lawfully entered elsewhere are unconstitutional and violate the Due Process and Equal Protection Clauses of the 14th Amendment to the U.S. Constitution and stated:

“[t]he founders of this nation said in the preamble to the United States Constitution that a goal was to secure the blessings of liberty to themselves and their posterity. Liberty has come more slowly for some than for others. It was 1967, nearly two centuries after the Constitution was adopted, before the Supreme Court struck down state laws prohibiting interracial marriage, thus protecting the liberty of individuals whose chosen life partner was of a different race. Now, nearly 50 years later, the arguments supporting the ban on interracial marriage seem an obvious pretext for racism; it must be hard for those who were not then of age to understand just how sincerely those views were held. When observers look back 50 years from now, the arguments supporting Florida's ban on same-sex marriage, though just as sincerely held, will again seem an obvious pretext for Discrimination. Observers who are not now of age will wonder just how those views could have been held.”

“The Supreme Court struck down part of the federal Defense of Marriage Act last year United States v. Windsor, 133 S. Ct. 2675 (2013). Since that decision, 19 different federal courts, now including this one, have ruled on the constitutionality of state bans on same-sex marriage. The result: 19 consecutive victories for those challenging the bans. Based on these decisions, gays and lesbians, like all other adults, may choose a life partner and dignify the relationship through marriage. To paraphrase a civil-rights leader

from the age when interracial marriage was first struck down, the arc of history is long, but it bends toward justice.”

If you choose not to appeal, the State would end discrimination and recognize the fundamental rights of all its citizens. This should be an easy choice. The State also would benefit by saving tax dollars and resources necessary to prosecute the matter through the federal courts. Pennsylvania and Oregon determined that this was the prudent course of action for their states and I recommend that you follow their lead. As reported, Pennsylvania's governor went against his personal views in deciding not to challenge a federal judge's ruling striking his state's same-sex marriage ban. The Tampa Bay Times editorial page also recommended this course of action following the federal court decision: “stop wasting public money defending indefensible discrimination.” Maintaining the ban “puts this state at a competitive disadvantage in attracting jobs and sends a signal that Floridians are intolerant.” Our state should “embrace tolerance and fairness rather than intolerance and discrimination”.

Finally, I had the privilege of meeting one of the parties to the case yesterday, Arlene Goldberg. Ms. Goldberg's spouse Carol Goldwasser died in March after the couple had been together for 47 years and married in New York. Hopefully, the decision will allow Ms. Goldberg to rightfully qualify for social security survivor benefits. However, in an important nod to the heartless effect of Florida's ban, Ms. Goldberg was not listed as Ms. Goldwasser's spouse on her death certificate. Judge Hinkle ordered that this be done forthwith. I urge you to follow through as expeditiously as possible as Judge Hinkle stated there “is no good reason to further deny Ms. Goldberg the simple human dignity of being listed on her spouse's death certificate. Indeed, the state's refusal to let that happen is a poignant illustration of the controversy that brings us here.”

Thank you,



Kathy Castor
United States Representative
Florida – District 14