

EXHIBIT A

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What the Gay Groups Really Think

The gay rights groups trying to intervene in the federal lawsuit to overturn California's Prop. 8 say they aren't trying to undermine the case. But do they support it? That's a different matter entirely.

By Andrew Gumbel

The LGBT rights groups who want to intervene in the federal lawsuit to overturn California's Prop. 8 say it is nonsense to suggest they are seeking to undermine the original plaintiffs and their superstar lawyers, Ted Olson and David Boies.

Does that mean, then, that they support the suit?

That's a question the groups seem to find extraordinarily difficult to answer.

On the record, the groups -- the American Civil Liberties Union, Lambda Legal, and the National Center for Lesbian Rights -- say their only interest in presenting the court with their own separate set of arguments and separate roster of plaintiffs is to help ensure that the plaintiffs prevail and that same-sex marriage becomes a nationwide reality as fast as possible. They may not have supported the suit initially, they concede, but now they feel they are all in it together.

Off the record, however, at least some of the participants strike a very different tone. They say they feel Chad Griffin, the political consultant who put together the federal lawsuit, is trying to freeze them out. They question both the motives and allegiances of Ted Olson, one of the country's leading right-wing lawyers who is personally acquainted with some of the more conservative members of the Supreme Court.

And they even question whether Olson and Boies -- two of the most experienced and successful litigators before the Supreme Court -- have the necessary experience to lead the suit to victory.

"Ted Olson and David Boies don't know diddly about gay rights," one complained.

The three groups are far from a monolith, and it seems unlikely such complaints are shared by all of them. Several gay rights veterans suggest that Lambda, in particular, is driven by internal disagreements about the federal lawsuit -- making any clear assessment of its position very hard to make.

Asked directly whether Lambda supported the lawsuit or not, a senior lawyer with the organization declined to comment or even be named.

Neither the ACLU nor the NCLR could be induced to give an outright expression of support, either.

The ACLU's James Essex said of the motion to intervene, "If we get in, we have absolute confidence we can work together [with the Olson-Boies team]. If the judge doesn't let us in, we are going to continue to participate in the case as friends of the court."

The groups previously filed an amicus, or friend-of-the-court, brief presenting their own arguments in support of same-sex marriage. Being a friend of the court may not be the same as being a friend of the plaintiffs, however. According to Griffin, whose account has so far gone unchallenged, Lambda Legal objected when that brief was characterized as overt support of the Boies-Olson effort.

The NCLR has struck perhaps the friendliest tone. "At the end of the day, I'll go have a beer with the attorneys from Gibson Dunn [Olson's firm]," NCLR executive director Kate Kendell said, "knowing that we have a shared vision of what this country should look like when it comes to its LGBT citizens."

Advocate.com then posed a crucial follow-up question: If the suit gets rejected at the appellate level, will the groups support or oppose any application by Olson and Boies for it to be heard before the Supreme Court?

The only response from NCLR so far: a thunderous silence.