



NATIONAL CENTER FOR LESBIAN RIGHTS



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COURT UPHOLDS PROP 8; STATE CONTINUES TO RECOGNIZE 18,000 MARRIAGES

Advocacy Groups Vow to Return to Polls to Restore Marriage for Same-sex Couples

(SAN FRANCISCO) May 26, 2009—Today, in a 6 to 1 decision, the California Supreme Court upheld Proposition 8, the ballot measure that eliminated the right of same sex couples to marry. In the ruling authored by Chief Justice Ronald George, the Court stated “We emphasize only that among the various constitutional protections recognized in the *Marriage Cases* as available to same-sex couples, it is only the designation of marriage — albeit significant — that has been removed by this initiative measure.” At the same time, the court unanimously ruled that the more than 18,000 marriages that took place between June 16 and November 4, 2008 continue to be fully valid and recognized by the state of California. The decision reaffirmed the Court’s prior holding that sexual orientation is subject to the highest level of protection under the California Constitution.

In a strongly worded dissent, Justice Carlos Moreno stated, “The rule the majority crafts today not only allows same-sex couples to be stripped of the right to marry that this court recognized in the *Marriage Cases*, it places at risk the state constitutional rights of all disfavored minorities. It weakens the status of our state Constitution as a bulwark of fundamental rights for minorities protected from the will of the majority.”

“Today’s decision is a terrible blow to same-sex couples who share the same hopes and dreams for their families as other Californians,” said Shannon Minter, Legal Director for the National Center for Lesbian Rights, who argued the case before the California Supreme Court in March. “But our path ahead is now clear. We will go back to the ballot box and we will win.”

The National Center for Lesbian Rights, Lambda Legal, and the ACLU represent Equality California, whose members include many same-sex couples who married between June 16 and November 4, 2008, and six same-sex couples. David C. Codell and Munger, Tolles & Olson LLP, and Orrick, Herrington & Sutcliffe LLP are also counsel on the case.

At a press conference this morning, all of the groups vowed to return to the polls to restore the right to marry for same-sex couples.

Elizabeth Gill, a staff attorney with the ACLU of Northern California, said, “Same-sex couples yearn for the same dignity and respect that others enjoy. The current situation in California is fundamentally unfair, and it is deeply disappointing that the Court let this injustice stand. But we are committed to restoring equality at the ballot box.”

The National Center for Lesbian Rights, Lambda Legal, and the ACLU filed the legal challenge on November 5, after Proposition 8 was approved by just 52 percent of the voters on Election Day.

An unprecedented 43 friend-of-the-court briefs, representing hundreds of religious organizations, civil rights groups, and labor unions, and numerous California municipal governments, bar associations, and leading legal scholars, were filed in the case, urging the Court to strike down the initiative.

“Public opinion is moving in the direction of fairness and equality, and it is only a matter of time until the freedom to marry will again be secure for all Californians,” said Jennifer C. Pizer, Marriage Project Director for Lambda Legal. “Achieving equality always requires struggle, but over time people come to accept that equal treatment and equal protection of the laws is the best way to protect the rights of all.”

“By upholding Prop. 8, the Court has moved our state backward and has put all Californians at risk of losing fundamental rights at each and every election. Our Constitution must ensure that all Californians are treated equally by our government,” said Geoff Kors, Executive Director of Equality California. “Despite this injustice, we are prepared to return to the ballot box together with our allies to restore the freedom to marry. As more and more states across the nation allow same-sex couples to marry, and as we continue our efforts to win the hearts and minds of Californians through real conversations in homes, in neighborhoods, online and on the air, we are confident that same-sex couples will soon enjoy the honor, dignity and protections that only marriage provides.”

The case is *Strauss et al. v. Horton et al.* (#S168047). For more information, go to:
<http://www.courtinfo.ca.gov/courts/supreme/highprofile/prop8.htm>

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The National Center for Lesbian Rights is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education. www.nclrights.org/overturn8

Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work. www.lambdalegal.org

The American Civil Liberties Union is America’s foremost advocate of individual rights. It fights discrimination and moves public opinion on LGBT rights through the courts, legislatures and public education. www.aclu.org

Equality California is a nonprofit, nonpartisan, grassroots-based, statewide advocacy organization whose mission is to achieve equality and civil rights for all lesbian, gay, bisexual and transgender (LGBT) Californians. www.eqca.org