

Contact: Gloria Allred
(323) 653-6530
E-mail: gallred@amglaw.com

Today is an historic day in the civil rights battle to win and enjoy equal rights for gay and lesbian couples under the law. Today's decisions by the United States Supreme Court are important steps forward for these couples, their families and their children, but we still have a long long way to go.

I am happy to be here with my clients Robin Tyler and Diane Olson because we were the first in California in 2004 to announce that we would file a lawsuit challenging the ban on same sex marriage in California.

In that lawsuit which I filed on behalf of Robin and Diane the California Supreme Court did strike down the ban on same sex marriage in California, finding that it was unconstitutional. As a result of our victory, Robin and Diane were the first couple to be permitted to be married in Los Angeles County because they were the first to challenge the ban. However, after that first California Supreme Court decision, Prop 8 was passed banning marriage equality in our state for other same sex couples who wished to marry.

I then filed a writ to the California Supreme Court challenging Prop 8 as unconstitutional but the California Supreme Court upheld Prop 8.

I also filed a friend of the court brief (amicus) on behalf of the Women's Equal Rights Legal Defense and Education Fund (WERLDEF) in the Prop 8 case which was decided today but the United States Supreme Court (*Hollingsworth v. Perry*). Robin, Diane and I also attended the U.S. Supreme Court argument in this case.

We are thrilled that the United States Supreme Court has held that DOMA is unconstitutional and violates the liberty rights set forth in the Fifth Amendment of the U.S. Constitution and allows same sex couples who have legally married in those states which allow same sex marriages to enjoy the more than 1,000 federal benefits provided to heterosexual married couples which have been denied to same sex couples who were legally married.

The majority's recognition that a state's decision to give same sex couples the right to marry "conferred upon them a dignity and status of immense import" validates the importance of a fundamental right to marry and establishes marriage as a fundamental liberty right. The majority opinion held that DOMA's denial of federal benefits to same sex couples legally married imposes restrictions and disabilities and results in injury and indignity to lawfully married couples that deprive them of an essential element of liberty protected by the Fifth Amendment. We commend Justices Kennedy, Ginsberg, Breyer, Sotomayor and Kagan.

The Court's recognition that same sex couples who are married for purposes of state law but unmarried for the purposes of federal law diminishes the stability and predictability of basic personal relations that the State has found it proper to acknowledge and protect is important.

DOMA's deprivation of more than 1,000 benefits due married gay couples was an ugly stain upon the civil rights of millions of Americans and a constant reminder that not all Americans are equal. Same sex married couples have finally won their long arduous struggle for federal equal benefits and the right to be treated exactly the same as lawfully married heterosexual couples.

Turning to the Prop. 8 decision today, we are thrilled that same sex couples in California will now be allowed to marry again and enjoy the fundamental basic liberty right of marriage which was taken away with the adoption of Proposition 8.

The U.S. Supreme Court's decision to dismiss the appeal filed by the proponents of Prop. 8, who appealed Judge Walker's decision finding Prop. 8 to be in violation of the federal equal protection clause and enjoining California from depriving gay couples of their fundamental right to marry, coupled with Governor Brown and Attorney Harris' strong support for the same sex marriage, mark this day as a joyous new beginning for the civil rights movement in general and for gay rights in particular. We are thrilled that same sex couples in California will once again be allowed to marry and they will finally have all of the more than 1,000 federal benefits enjoyed by heterosexual married couples due to the finding by the U.S. Supreme Court that DOMA is unconstitutional and no longer the law of the land.

Although this is a wonderful day, a joyous occasion and a time to celebrate, we call upon the California Legislature to immediately pass legislation codifying the decision of the California Supreme Court in Re Marriages and amend Section 301 of the Family Code, which presently

defines marriage as between a man and a woman, to read that marriage is between “two unmarried persons who are not otherwise disqualified, or capable of consenting to and consummating marriage.” Even though Proposition 8 is no longer enforceable after today’s Supreme Court decision, it should be stricken from the California Constitution as it is an ugly stain and disgrace. We advocate that the California initiative process be utilized to place a proposition on the California ballot to forever strike Prop. 8 from our Constitution and unequivocally guarantee and memorialize the fundamental right to marry, regardless of gender or sexual orientation.

Gloria Allred

Attorney at Law

June 26, 2013