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Today the U.S. Supreme Court announced that it will hear argument on the constitutionality of the Defense of Marriage Act (DOMA) which denies federal benefits to same sex couples who are legally married.

In addition the high court announced that it will hear arguments on California's Prop 8 which was passed by California's voters and which banned same sex marriage after the California Supreme Court decided that banning same sex marriage violated the equal protection clause of the California Constitution.

On behalf of our client Robin Tyler, we were the first in California to announce that we would challenge the ban on same sex marriage in California. In fact, we did litigate this issue for 6 years and we appeared twice before the California Supreme Court first challenging the statutory family code ban and next seeking to strike down Prop. 8.

We were victorious in our first case before the California Supreme Court and our victory resulted in Ms. Tyler and 18,000 other couples being able to marry in California.

After that victory, Prop. 8 was passed by the voters and we challenged Prop. 8 arguing that it was unconstitutional in violation of the California Constitution.

Although the California Supreme Court in our second case upheld the 18,000 same sex marriages that had taken place, the court also upheld Prop. 8, and banned future same sex marriages in California.

Later in a federal case, both the U.S. District Court and the U.S. Court of Appeals for the Ninth Circuit held Prop. 8 to be unconstitutional.

We are hopeful that the U.S. Supreme Court will decide that both Prop. 8 and DOMA are unconstitutional and a violation of the Equal Protection Clause of the U.S. Constitution.

Since Prop. 8 was passed, a number of states have upheld the right of same sex couples to marry and polls have shown a trend in public opinion in support of same sex marriage.

This issue involves the fundamental right to marry the person of one's choice and that right should be enjoyed by every adult in the United States

and should not depend on where the person lives.

We understand that the U.S. Supreme Court may decide the Prop. 8 issue and limit its ruling so that it only applies to California, but we hope that the U.S. Supreme Court will not make such a limited ruling, even though such a ruling would allow same sex couples to marry again in California, because the right to marry should be available to all adults in this nation.

On behalf of the Women's Equal Rights Legal Defense and Education Fund (WERLDEF), we intend to petition the U.S. Supreme Court to ask permission to file a friend of the court brief on the important civil rights issues involved in this case.

This is one of the most important civil rights cases of our time and we hope that the Court will decide it in a way that respects the rights and dignity of a minority that has been for too long denied their equal rights under the law.

Gloria Allred

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Representing Robin Tyler

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