

Prop. 8, Supreme Court, and Same Sex Marriage

Gloria Allred Disagrees with Attorney General in Her Reply to Supreme Court

Today we filed our reply brief in the California Supreme Court (Tyler et. al. v. The State of California), in which we challenged Prop. 8 which purports to limit marriage to the union of a man and a woman. Prop. 8 seeks to undermine the victory which we won in May 2008 when the California Supreme Court decided in our case that gays and lesbians also have a right to marry the person of their choice in California.

We sued the State of California (Nov. 5, 2008) in this challenge. The State is represented by the Attorney General, and we were happy that the Attorney General responded to our petition to the Supreme Court by agreeing with us that Prop. 8 is unconstitutional.

However, we replied to the Attorney General in our brief today because we strongly disagree with his legal position that Prop. 8 is an amendment rather than a revision to the California Constitution. The Attorney General agrees with the Prop. 8 proponents on that issue.

This is an extremely important legal point and could be key to the Supreme Court's ultimate decision in this case.

Because we are convinced that Prop 8 is a disguised constitutional revision and not an amendment to the Constitution, we believe that the proponents of Prop. 8 did not follow the correct procedures in attempting to make a fundamental constitutional change which would eliminate the basic human and constitutional right to marry for gay and lesbian individuals in California. If our legal argument is persuasive on this point then Prop. 8 could be ruled invalid

for that reason alone.

We look forward to oral argument on this and other issues when the date is scheduled by the Supreme Court, and we will continue to do everything possible to protect the right to marry for those who are lesbian and gay.

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&
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