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Equality California Responds to California Supreme Court Ruling on Standing Question in Perry v. Brown Challenge to Proposition 8

(San Francisco) The California Supreme Court today issued an opinion finding that proponents of Proposition 8 have the authority to represent the interests of the State of California in the Perry v. Brown challenge to the law even though the state's public officials—the governor and attorney general—declined to appeal the trial court's careful determination in 2010 that Proposition 8 is unconstitutional. The opinion was issued at the request of the Federal 9th Circuit Court of Appeals, which heard the appeal of the 2010 ruling that struck down Proposition 8. The case will now return to the 9th Circuit Court of Appeals, which will make a federal ruling on whether proponents of Prop 8 have standing to appeal the 2010 ruling and, if so, will consider whether Proposition 8 is invalid.

Equality California issued the following statement in response.

“Handing the authority and decision-making power of the state to a small group of citizens with an extremist agenda sets an extraordinary precedent that could complicate efforts to challenge future unconstitutional initiatives and prolong the harm suffered by Californians impacted by those initiatives,” said David Codell, who serves as pro bono counsel for Equality California along with colleagues at Caldwell Leslie & Proctor, PC. “Equality California is disappointed in today's decision because we do not believe that initiative proponents such as the sponsors of Proposition 8 should be deemed to have any authority to represent the interests of the State of California. That authority should lie in the hands of our elected officials, such as the governor and the attorney General, both of whom recognize that Proposition 8 violates the federal Constitution. We are hopeful that the 9th Circuit Court of Appeals will, in short order, affirm Judge Walker's finding that Proposition 8 is unconstitutional and end the harms experienced by same-sex couples and their families as a result of this unjust initiative.”

Equality California (EQCA) is the largest statewide lesbian, gay, bisexual, and transgender (LGBT) rights advocacy organization in California. Over the past decade, Equality California has strategically moved California from a state with extremely limited legal protections for LGBT individuals to a state with some of the most

comprehensive civil rights protections in the nation. Equality California has successfully sponsored more than 85 pieces of legislation and continues to advance equality through legislative advocacy, electoral work, public education and community empowerment. www.eqca.org