

No. S \_\_\_\_\_

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IN THE  
SUPREME COURT OF CALIFORNIA

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CALIFORNIA COUNCIL OF CHURCHES, THE RIGHT REVEREND  
MARC HANDLEY ANDRUS, Episcopal Bishop of California, THE  
RIGHT REVEREND J. JON BRUNO, Episcopal Bishop of Los Angeles,  
GENERAL SYNOD OF THE UNITED CHURCH OF CHRIST,  
NORTHERN CALIFORNIA NEVADA CONFERENCE OF THE  
UNITED CHURCH OF CHRIST, SOUTHERN CALIFORNIA NEVADA  
CONFERENCE OF THE UNITED CHURCH OF CHRIST,  
PROGRESSIVE JEWISH ALLIANCE, UNITARIAN UNIVERSALIST  
ASSOCIATION OF CONGREGATIONS, and UNITARIAN  
UNIVERSALIST LEGISLATIVE MINISTRY CALIFORNIA,  
*Petitioners,*

vs.

MARK D. HORTON, in his official capacity as State Registrar of Vital  
Statistics of the State of California and Director of the California  
Department of Public Health; LINETTE SCOTT, in her official capacity as  
Deputy Director of Health Information & Strategic Planning for the  
California Department of Public Health; and EDMUND G. BROWN, JR.,  
in his official capacity as Attorney General for the State of California,  
*Respondents.*

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PETITION FOR WRIT OF MANDATE OR PROHIBITION

(RELATED PROCEEDINGS PENDING: S168047, S168066, S168078,  
S168281)

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Conference of the United Church of Christ; Progressive Jewish Alliance;  
Unitarian Universalist Association of Congregations, and the Unitarian  
Universalist Legislative Ministry California

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# PETITION FOR WRIT OF MANDATE OR PROHIBITION

TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE  
JUSTICES OF THE SUPREME COURT OF THE STATE OF  
CALIFORNIA:

## INTRODUCTION

California's constitutional right of equal protection is sacrosanct. Not even the electorate can take it away selectively – at least not without a two-thirds vote of the Legislature or a constitutional convention. This writ petition seeks to enforce that basic principle.

The California Supreme Court has “original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition.” (Cal. Const., art. VI, §10.) This court's assumption of original jurisdiction is reserved for cases where “the issues are of great public importance and should be resolved promptly.” (*Brosnahan v. Brown* (1982) 32 Cal.3d 236, 241 (*Brosnahan*)). This is such a case.

Proposition 8, a ballot initiative passed by a bare majority of votes on November 4, 2008, purports to do something unprecedented in California by changing our state Constitution to undermine a fundamental constitutional and human-rights principle – the right of all citizens to equal protection of the laws

– by taking that right away from some of those citizens. The California Constitution, however, provides safeguards against such threats to equal protection: Under article XVIII, such a change is a “revision” which cannot occur by initiative but instead requires a two-thirds vote of the Legislature, or a constitutional convention, followed by a vote of the people. In this way, the California Constitution insulates its guarantee of equal protection from the passions of popular prejudice that occasionally creep into the political process – much like the United States Constitution ensures the endurance of the federal guarantee of equal protection by requiring a three-fourths vote of state legislatures or conventions to amend the Bill of Rights. (See U.S. Const. art. V.)

The religious institutions that file this petition – and their member congregations and parishioners – count on article XVIII to ensure that the California Constitution’s guarantee of equal protection for *religious minorities* cannot be taken away without a deliberative process of the utmost care possible in a representative democracy. If Proposition 8 is upheld, however, the assurance will disappear – for, just as surely as gay men and lesbians could be deprived of equal protection by a simple majority vote, so too could religious minorities be deprived of equal protection – a terrible irony in a nation founded by people who emigrated to escape religious persecution. Petitioners seek this court’s pronouncement on Proposition 8 because of past experience and fear for the future – the experience of historical persecution



against religious minorities, and the fear that it could happen again, here in California, if a path is cleared for an initiative-based selective deprivation of equal protection.

There is no matter of greater public importance to California than the damage Proposition 8 does to our Constitution's guarantee of equal protection. And that damage is happening *now*, as of November 5, 2008. Today, tomorrow, and every day until this court acts, a basic human right is being selectively withheld from some of our citizens, who are hurting deeply from what they have lost. Their hurt is real and palpable, and it cannot be undone in hindsight by a decision of this court – which is surely inevitable – a few years down the line in the routine course of the judicial process. Extraordinary injustice calls for extraordinary relief. The time for this court's decision – like the effective date of Proposition 8 – is *now*.

#### **PRELIMINARY JURISDICTIONAL STATEMENT**

1. By this original petition for writ of mandate or prohibition, petitioners California Council of Churches, the Rt. Rev. Marc Handley Andrus, Episcopal Bishop of California, the Rt. Rev. J. Jon Bruno, Episcopal Bishop of Los Angeles, General Synod of the United Church of Christ, Northern California Nevada Conference of the United Church of Christ, Southern California Nevada Conference of the United Church of Christ, Progressive Jewish Alliance, Unitarian Universalist Association of Congregations, and Unitarian Universalist Legislative Ministry California,

respectfully seek a writ of mandate or prohibition under California Constitution article VI, section 10, and California Code of Civil Procedure sections 1085 and 1103, enjoining State Registrar of Vital Statistics of the State of California and Director of the California Department of Public Health Mark B. Horton, MD, MSPH, Deputy Director of Health Information & Strategic Planning of the California Department of Public Health Linette Scott, MD, MPH, and California Attorney General Edmund G. Brown, Jr., all in their official capacities, from enforcing, taking any steps to enforce, directing any persons or entities to enforce, or otherwise seeking to implement or give effect to Proposition 8, the initiative measure entitled "Eliminates the Right of Same-Sex Couples to Marry," which has received a majority of the votes cast in the November 4, 2008, election.

2. This petition is brought on the ground that Proposition 8's purported amendment of California's Constitution to deprive a distinct segment of the population of equal protection of the laws and withdraw from them a fundamental civil right amounts to a revision and not an amendment that can be accomplished by initiative upon a simple majority vote. (See Cal. Const., art. XVIII.)

3. As such, Proposition 8 is a nullity, the enforcement of which threatens petitioners' legitimate interests.

4. Petitioners, as diverse religious organizations, have a profound interest in the guarantee of equal protection secured by the California

Constitution both under the express equal protection clause of article I, section 7, and as an implicit requirement of the fundamental right to religious liberty and freedom, which must be applied equally to all persons and religious faiths without government favoritism or partiality.

5. Petitioners the Rt. Rev. Marc Handley Andrus, the Rt. Rev. J. Jon Bruno, the California Council of Churches, Northern California Nevada Conference of the United Church of Christ, Southern California Nevada Conference of the United Church of Christ, and the Unitarian Universalist Legislative Ministry are citizens of California.

6. Each organizational petitioner's membership includes many citizens of California.

7. As citizens of California, and as organizations representing diverse religious faiths whose membership includes many citizens of California, petitioners have a beneficial interest in the continuing vitality and integrity of the equality guarantees of the California Constitution and of the safeguard against hasty or improvident changes to our state Constitution established by article XVIII, which prohibits the use of the initiative process for a constitutional change of the magnitude of Proposition 8. (See Code Civ. Proc., §§1086, 1103.)

8. Petitioners have no other plain, speedy or adequate remedy at law. No administrative or other proceedings are reasonably available to enjoin the enforcement of Proposition 8.

9. Petitioners respectfully invoke the original jurisdiction of this Court under California Constitution article VI, section 10; Code of Civil Procedure sections 1085 and 1103; and rule 8.490 of the California Rules of Court.

10. This petition presents no questions of fact that would have to be resolved before granting the relief sought.

### THE PARTIES

1. Petitioner **California Council of Churches** is an organization of California's Christian churches that traces its history to a gathering at San Francisco's Central Methodist Church where, on January 28, 1913, twenty delegates from several county and city church federations organized a statewide California Church Federation, with a constitution declaring: "In the providence of God, the time has come more fully to manifest the essential oneness of the Christian Churches of America in Jesus Christ as their Divine Lord and Savior, and to promote the spirit of fellowship, service and cooperation among them." The Council today is a leading voice representing the theological diversity in the state's mainstream and progressive communities of faith. Its membership includes 51 denominations and judicatories in California, representing over 4,000 congregations and more than 1.5 million members drawn from the mainstream Protestant and Orthodox Christian communities, as well as allies from other faith traditions. They include: **American Baptist Churches** (American Baptist Churches of the

West; Pacific Southwest Region); **African Methodist Episcopal Church** (Fifth Episcopal District); **African Methodist Episcopal Zion Church**; **Armenian Church of America** (Western Diocese of the Armenian Church); **Christian Methodist Episcopal Church** (Ninth Episcopal District); **Church of the Brethren** (Pacific Southwest District); **Christian Church (Disciples of Christ)** (Northern California-Nevada Region; Pacific Southwest Region); **Community of Christ**; **The Episcopal Church** (Episcopal Diocese of California; Episcopal Diocese of El Camino Real; Episcopal Diocese of Los Angeles; Episcopal Diocese of Northern California; Episcopal Diocese of San Diego; Episcopal Diocese of San Joaquin); **Ethiopian Orthodox Church**; **Evangelical Lutheran Church in America** (Pacifica Synod; Sierra Pacific Synod; Southwest California Synod); **Greek Orthodox Church** (Orthodox Diocese of San Francisco); **Independent Catholic Churches International**; **Moravian Church**; **National Baptist Convention**; **Presbyterian Church (U.S.A.)** (Presbytery of Los Ranchos; Presbytery of the Pacific; Presbytery of the Redwoods; Presbytery of Riverside; Presbytery of Sacramento; Presbytery of San Diego; Presbytery of San Fernando; Presbytery of San Francisco; Presbytery of San Gabriel; Presbytery of San Joaquin; Presbytery of San Jose; Presbytery of Santa Barbara; Presbytery of Stockton; Sierra Mission Partnership; Synod of the Pacific; Synod of Southern California & Hawaii); **Reformed Church in America**; **Swedenborgian Church**; **United Church of Christ** (Northern California Nevada Conference; Southern California Nevada

Conference); **United Methodist Church** (California-Nevada Conference; California-Pacific Annual Conference); **Universal Fellowship of Metropolitan Community Churches** (Region 1; Region 6); **Church Women United**; and **Orthodox Clergy Council**.

2. Petitioner **Right Reverend Marc Handley Andrus** is the eighth bishop of the Episcopal Diocese of California, elected in a special convention at San Francisco's Grace Cathedral on May 6, 2006, and invested as Bishop of California on July 22, 2006. Before his election as Bishop of California, Andrus served as Bishop Suffragan in the Episcopal Diocese of Alabama. The Episcopal Diocese of California serves a diverse community of faith, with 27,000 people forming 80 congregations, 22 of them missions, including 2 special ministries, in 49 cities and towns. The diocese is organized into six deaneries – the Alameda, Contra Costa, Marin, San Francisco and Southern Alameda deaneries cover their respective counties; the Peninsula Deanery consists of all of San Mateo County and a small portion of Santa Clara County. The diocese has 335 priests and 85 vocational deacons who minister to the congregations.

3. Petitioner **Rt. Rev. J. Jon Bruno** became the sixth bishop of Los Angeles on February 1, 2002. The Episcopal Church in the Diocese of Los Angeles encompasses 85,000 Episcopalians in 147 congregations located in Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, and Ventura counties. Served by some 400 clergy, the Diocese also includes some 40

Episcopal schools and some 20 social service and chaplaincy institutions. Upon becoming Bishop of Los Angeles, Bishop Bruno called on the people of the diocese to be people of mission for the Christian faith. He has identified the “facts” of such mission as formation in faith, a sense of the abundance of God’s generosity, competence, truth and service. In his call to mission, Bishop Bruno encourages clergy and laypersons to “plan and prepare for God’s service, work for abundance, and care for the community as we would care for Jesus.” Bishop Bruno is a leader in the Episcopal Church in many areas, including interfaith ministry, education, nonviolence and reconciliation.

4. Petitioner **General Synod of the United Church of Christ** is a “mainline” Protestant denomination in the Reformed tradition, and has a history of witness and profound commitment to peace-seeking and advocacy for justice for all. In 2005, at its General Synod the United Church of Christ delegates approved a resolution supporting marriage equality, and this petition is grounded in that action.

5. Petitioner **Northern California Nevada Conference United Church of Christ** is a manifestation of the church of Jesus Christ and a constituting body of the **United Church of Christ (UCC)**. Members of the Conference include 130 local churches in the State of California. Within the state of California the Conference extends from the Oregon border to the southern borders of Inyo, Tulare, Kings, and Monterey counties. The Conference’s membership includes, for example, the **First Congregational**

**Church of Berkeley**, which was founded in 1874 as the first church in Berkeley and whose members were instrumental in the founding of the University of California at Berkeley; the **San Mateo Congregational Church** **United Church of Christ**, which was founded in 1865 and whose members provided housing for Japanese-Americans when they returned from internment at the end of World War II; and the **First Congregational Church of Oakland**, which was founded in 1860 and which for many weeks fed, housed, and clothed thousands of refugees from the 1906 earthquake and fire that devastated San Francisco.

6. Petitioner **Southern California Nevada Conference of the United Church of Christ** is a faith community gathered in over 130 diverse congregations. The purpose of the SCNC is to be a united and uniting community of the people of God, covenanting together for mutual support and common mission. Its denomination, the United Church of Christ, is a “mainline” Protestant denomination in the Reformed tradition, and its history is witness to a long and profound commitment to peace-seeking and advocacy for justice for all. In 2004, at its Annual Gathering, the Conference delegates approved a resolution supporting marriage equality. This petition is grounded in that action.

7. Petitioner **Progressive Jewish Alliance (PJA)**, [www.pjalliance.org](http://www.pjalliance.org), is a non-profit, California-based membership organization, with over 4,000 members, that educates, advocates and organizes



on issues of peace, equality, diversity and justice. Founded in 1999 and with offices in Los Angeles and the San Francisco Bay Area, PJA serves as a vehicle connecting Jews to the critical social justice issues of the day, to the life of the cities in which they live, and to the Jewish tradition of working for *tikkun olam* (the repair of the world). As an integral part of its social justice agenda, PJA supports equal access to marriage for all. Representing a people who have long known the sting of marginalization and inferior citizenship, PJA opposes any efforts to discriminate against gay men and lesbians, whether by constitutional amendment or by the creation of second-class domestic partnerships or civil unions. PJA's views on this subject are grounded in the Jewish legal tradition that the law should be applied equally to all, citizen and stranger alike. Those views are further elaborated upon in PJA's May 12, 2004, policy statement, which can be found at <http://www.pjalliance.org/article.aspx?ID=76&CID=9>.

8. **Petitioner Unitarian Universalist Association of Congregations (UUA)** is a denomination comprising more than 1,000 congregations, including many of America's founding churches, and more than 70 congregations in the State of California. The denomination's membership includes, for example, the congregation of Pilgrims who ventured to sail on the Mayflower, landing at Plymouth Rock in 1620 and celebrating the First Thanksgiving in 1621, the **First Parish Church in Plymouth, Massachusetts** ("at the top of Town Square since 1620"); the congregation

organized in 1630 by John Winthrop as the beacon light for his Puritan settlers' shining "city upon a hill," the **First Church in Boston**; the congregation organized at Salem, Massachusetts in 1629, that had some troubling issues with "witches" in 1692, the **First Church in Salem**; and the **United First Parish Church (Unitarian), Quincy, Massachusetts**, which first gathered in the 1630s, where President John Adams, First Lady Abigail Adams, President John Quincy Adams, and First Lady Catherine Louisa Adams worshipped, and where their bodies rest in peace in their home church to this day. In California, the denomination's membership includes, for example, the **First Unitarian Church of Los Angeles**, which first gathered in 1877, and which at McCarthyism's height defended the right of religious organizations to refuse government-mandated oaths or affirmations "as to church doctrine, advocacy or beliefs." (*First Unitarian Church of Los Angeles v. County of Los Angeles* (1958) 357 U.S. 545, 546-547 (con. opn. of (Douglas, J.))); **Throop Memorial Church** of Pasadena, whose name memorializes its founding in 1886 by Amos Throop, who also founded the California Institute of Technology; and the **First Unitarian Universalist Society of San Francisco**, first gathered in 1850, whose minister the Rev. Thomas Starr King was credited by President Abraham Lincoln's General-in-Chief Winfield Scott for tireless efforts that, in time of national crisis, "saved California to the Union."

9. Petitioner **Unitarian Universalist Legislative Ministry California (UULM CA)** is a statewide justice ministry that serves to empower the moral voice of Unitarian Universalist values in the public arena. Guided by Unitarian Universalist principles, the Ministry seeks to develop the skills of civic engagement that we may educate, organize, and advocate for public policies that: uphold the worth and dignity of every person; further justice, equity, and compassion in human relations; ensure use of the democratic process; protect religious freedom; and promote respect for the interdependent web of all existence. Unitarian Universalist congregations throughout the state have chosen to affiliate with the UULM CA in order to advance the values of their faith community.

10. Respondent Mark D. Horton, MD, MSPH (“Horton”) is the Director of the California Department of Public Health and, as such, is the State Registrar of Vital Statistics of the State of California. Horton is sued in his official capacity. It is Horton’s legal duty, among other things, to prescribe and furnish the forms for the application for license to marry, the certificate of registry of marriage including the license to marry, and the marriage certificate.

11. Respondent Linette Scott, MD, MPH (“Scott”) is the Deputy Director of Health Information & Strategic Planning for the California Department of Public Health. Scott is sued in her official capacity. Upon information and belief, it is alleged that Scott reports to Respondent Horton

and is the California Department of Public Health official responsible for prescribing and furnishing the forms for the application for license to marry, the certificate of registry of marriage including the license to marry, and the marriage certificate.

12. Respondent Edmund G. Brown Jr. ("Brown") is the Attorney General of the State of California. Brown is sued in his official capacity. It is Brown's legal duty, among other things, to ensure that the laws of the State of California are uniformly and adequately enforced.

#### FACTS

1. On May 15, 2008, the Supreme Court of California issued its opinion holding that marriage is a fundamental civil right which cannot, consistent with the California Constitution's guarantee of equal protection of the laws, be denied to gay and lesbian people. (*In re Marriage Cases* (2008) 43 Cal.4th 757 (*Marriage Cases*).

2. This court held that its precedents "make clear that the right to marry is an integral component of an individual's interest in personal autonomy protected by the privacy provision of article I, section 1" (*Marriage Cases, supra*, 43 Cal.4th at p. 818), which by its terms makes the right "inalienable" (Cal. Const., art. I, § 1).

3. This court held, moreover, that government discrimination based on sexual orientation is inherently suspect under the California Constitution's guarantee of equal protection of the laws, and that denying same-sex couples

the right to marry violates that guarantee. (*Marriage Cases, supra*, 43 Cal.4th at pp. 855-856; Cal. Const., art. I, § 7.)

4. This court also confirmed that discrimination based on religion implicates a suspect classification and violates equal protection (see *Marriage Cases, supra*, 43 Cal.4th at pp. 841-842), and that permitting equal access to the fundamental freedom to marry is fully consistent with religious liberty (*id.* at pp. 854-855).

5. On November 4, 2008, a bare majority of California voters cast ballots in favor of Proposition 8, an initiative measure that if given effect would override the California Constitution's equal protection guarantee and deprive gay and lesbian couples of the right to marry by inserting a new section 7.5 into article I, stating: "Only marriage between a man and a woman is valid or recognized in California."

6. The Official Title and Summary of Proposition 8, prepared by respondent Brown, says the provision would "[e]liminate the right of same-sex couples to marry in California."

7. It is widely understood that the campaign to pass Proposition 8 was sponsored and significantly funded by a few religious groups seeking to limit civil marriages in California to reflect their own religious rites limiting marriage to unions between a man and a woman.

## **CLAIMS ASSERTED**

1. Proposition 8 would effect a radical revision of the California Constitution because it purports to revoke from a particular class of Californians (those who are gay or lesbian) a right that the Constitution designates “inalienable” and thereby deprive this class of equal protection of the laws, the bedrock principle upon which our social contract and system of constitutional government are based.

2. Under article XVIII of the California Constitution, the text of Proposition 8 is a constitutional “revision” which cannot occur by initiative but instead requires a two-thirds vote of the Legislature, or a constitutional convention, followed by a vote of the people. For this reason, Proposition 8 is invalid.

## **RELIEF SOUGHT**

Wherefore, petitioners respectfully request the following relief:

1. That this court forthwith issue an alternative writ of mandate or prohibition directing respondents to refrain from taking any action that might give effect to Proposition 8;

2. That upon respondents’ return to the alternative writ, a hearing be held before this court at the earliest practicable time so that the issues presented by this petition may be adjudicated without delay and, if this court deems appropriate, pursuant to an expedited briefing and hearing schedule;

3. That upon issuance of the alternative writ and oral argument, this court issue a peremptory writ of mandate or prohibition declaring that Proposition 8 effects no amendment of the California Constitution but is null and void in its entirety;

4. That petitioners be awarded their attorneys' fees and costs of suit; and

5. For such other relief as the court may deem just and equitable.

**VERIFICATION**

**I the Rev. Dr. Rick Schlosser, declare and state:**

I am Executive Director of the California Council of Churches, a petitioner in the above-captioned matter. I have read the foregoing petition for writ of mandate or prohibition and know the contents thereof, and know the facts asserted to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Sacramento, California, on November 16 2008.

  
\_\_\_\_\_  
RICK SCHLOSSER



**I Eric Alan Isaacson, declare and state:**

I am a member of the law firm of Coughlin Stoia Geller Rudman & Robbins LLP and am counsel for petitioners California Counsel of Churches, The Rt. Rev. Marc Handley Andrus, The Rt. Rev. J. Jon Bruno, General Synod of the United Church of Christ, Northern California Nevada Conference of the United Church of Christ, Southern California Nevada Synod of the United Church of Christ, Progressive Jewish Alliance, Unitarian Universalist Association of Congregations, and the Unitarian Universalist Legislative Ministry California. I make this verification because I am particularly familiar with the relevant facts. I have reviewed the facts referred to in this petition and know them to be true based on my review of the public record concerning this court's decision in the *Marriage Cases* and the results of the November 4, 2008, election with respect to Proposition 8.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this verification was executed on November 17, 2008, at San Diego, California.

  
ERIC ALAN ISAACSON

## MEMORANDUM

### I. SUMMARY OF ARGUMENT

Petitioners are religious organizations representing the broad mainstream of our state's religious life, who join together in seeking to have Proposition 8 ruled invalid. Allowing the removal of fundamental constitutional rights for a particular group of Californians, based on a suspect classification and by a simple majority vote, would present a profound threat to the critical protections afforded by the guarantee of equal protection to the broad diversity of religious groups in this state.

Petitioners and their members enjoy the protection of article I, section 7 of the California Constitution, which guarantees the equal protection of the laws without discrimination based on religion. (See *Marriage Cases, supra*, 43 Cal.4th at pp. 841-842 [religion is a suspect classification under the state Constitution's equal protection clause].) Yet this constitutional guarantee of equal protection will be directly and immediately threatened if Proposition 8 is given effect. If a simple majority vote of the people by ballot initiative may deprive gay and lesbian citizens of the right to equal protection of the laws – the very bedrock on which our state Constitution rests – thereby withdrawing what article I, section 1, terms an “inalienable” right, then any disfavored minority group may be deprived of equal protection rights in such a manner.

If article XVIII means what it says then Proposition 8 is a nullity. According to article XVIII, substantial revisions of California's fundamental

constitutional law may be accomplished only if submitted to the voters following the Legislature's "rollcall vote entered in the journal, two-thirds of the membership concurring" or the proposal of a validly called constitutional convention. (Cal. Const., art XVIII, §§ 1, 2.) Although the electors may amend the Constitution by initiative under article XVIII, section 3, revisions of the fundamental principles of California's constitutional law are beyond the amendment power, which is limited to promulgating "an addition or change within the lines of the original instrument as will effect an improvement, or better carry out the purpose for which it was framed." (*Amador Valley Joint Union High School Dist. v. State Bd. of Equalization* (1978) 22 Cal.3d 208, 222 (*Amador Valley*), quoting *Livermore v. Waite* (1894) 102 Cal. 113, 118-119 (*Livermore*).)

Petitioners are proper parties, entitled to challenge the enactment of an invalid initiative amendment. (Code Civ. Proc., §§ 1086, 1103.)<sup>1</sup> They have a

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<sup>1</sup> See *Environmental Protection & Information Center v. California Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 479 ["[W]here the question is one of public right and the object is to procure the enforcement of a public duty, . . . it is sufficient that [petitioner] is interested as a citizen in having the laws executed and the duty in question enforced"], quoting *Common Cause v. Board of Supervisors* (1989) 49 Cal.3d 432, 439; accord *Green v. Obledo* (1981) 29 Cal.3d 126, 144; *Hogar Dulce Hogar v. Community Dev. Comm'n* (2003) 110 Cal.App.4th 1288, 1294-1295; see also *Raven v. Deukmejian* (1990) 52 Cal.3d 336, 340 (*Raven*) (citizens' writ petition challenging initiative amendment properly transferred to the Supreme Court because "the issues are of great public importance and should be resolved promptly," making it "appropriate that we exercise our original

