



NATIONAL CENTER FOR LESBIAN RIGHTS



making the case for equality



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It is a privilege to be a part of this legal challenge to a measure, Proposition 8, which presents a serious threat to some of our most cherished ideals of equality and fairness, not simply for lesbian, gay, bisexual, and transgender (LGBT) Californians, but for all Californians.

It is again an honor to be litigating such an historic case alongside Dennis Herrera and Therese Stewart from the San Francisco City Attorney's office as well as our legal team—colleagues who are working with the National Center for Lesbian Rights, including Steve Bomse from Orrick, Herrington & Sutcliffe LLP, Lambda Legal, the ACLU, David Codell from the Law Office of David C. Codell, and attorneys from Munger Tolles & Olson LLP. Also standing with us in this challenge are the office of the California Attorney General and an unprecedented array of civil rights and religious groups, labor unions, businesses, municipalities, and legal scholars. More *amicus* briefs were submitted in this case than in any other case considered by the California Supreme Court. This is a testament to the breadth of our support, and it showcases how Prop. 8 has harmful implications for all Californians, not just members of the LGBT community.

At the core, we are all arguing that Prop. 8 represents an unprecedented and dangerous exercise of majority power. This is the first time the initiative process has successfully been used to change the California Constitution to take away a fundamental freedom from a particular group—and to mandate government discrimination against a minority.

One doesn't need to be a voracious student of history to understand that if the majority were permitted to vote on key questions of civil rights and individual rights in this country, progress on issues of race, criminal justice, reproductive rights, and women's rights would have been set back generations. And yet, that's what we're facing here. Equal protection for all citizens of California is what is at stake, and if Prop. 8 is upheld, the courts will no longer have a meaningful role in protecting minority groups or women.

What we are asking the Court to do is recognize what a monumental change Prop. 8 is to our Constitution, and that such a significant change to the core of the Constitution—equal protection for all—cannot be achieved by a simple majority vote.

The future of equality and the promise of "justice for all" hang in the balance. The courts have a solemn responsibility to enforce the Constitution to protect the rights of all Californians, regardless of popular opinion.

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The National Center for Lesbian Rights (NCLR) is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education. www.nclrights.org/overturn8