



NATIONAL CENTER FOR LESBIAN RIGHTS



**STATEMENT OF JENNIFER C. PIZER, ESQ.
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It is simply wrong—legally and socially—to short-circuit the California Constitution and its equal protection guarantees. Proposition 8 is no “garden variety” amendment that changes a tax or zoning or safety rule in a way that affects everyone equally. This is a radical attempt to strip a cherished constitutional right from just one targeted minority group and then to stop the courts from doing their most basic job of upholding the constitutional promise of “liberty and justice for all.”

We call on the Supreme Court to recognize Prop. 8 for the corrosive, dangerous threat it is to everyone in this state. This is the first time in California’s history that the initiative process has been used successfully to change our Constitution to take a fundamental right away from one minority group and to mandate government discrimination against that group along lines recognized as constitutionally suspect. If Prop. 8 is upheld, our courts will be severely compromised in their ability to play their intended, essential role of protecting persistently oppressed groups—including racial minorities, religious groups, and women—because court decisions stopping unjust discrimination will be subject to negation by a simple majority vote.

Our Constitution is supposed to ensure that all Californians enjoy the same rights and that no group can be singled out by invidious or irrational popular whims. If Prop 8. is deemed valid, it will mean our legal system no longer engages checks-and-balances for everyone’s protection. Instead, the door will have been opened to yet more pernicious ballot measures. Anyone seen as different and disfavored by the current majority will be at risk. Minorities defined by race, ethnicity, religion or national origin, or any other personal characteristic picked by a dominant voting power no longer will be safe from ballot-box abuse. In the interest of all vulnerable groups who rely on the California Constitution to continue to ensure fair and equal treatment under law, we have asked the Supreme Court to invalidate Proposition 8.

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Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work. www.lambdalegal.org