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County of Santa Clara, City and County of San Francisco Urge California Supreme Court to Invalidate Proposition 8 *Proposition 8 violates Core Constitutional Principles*

SAN JOSE, CALIF.—The County of Santa Clara, together with the City and County of San Francisco and other California cities and counties, today urged the California Supreme Court to invalidate Proposition 8 based on ground rules established by the people when they created the California Constitution.

In December, the Attorney General agreed that Proposition 8 is indeed an invalid use of the initiative process. The official proponents of Proposition 8 are the only remaining party defending its legality to the court.

“When Californians created our Constitution, and then again when we created a system to allow the people to amend that Constitution, we made sure that certain basic principles would be off limits to amendment,” said Ann Ravel, Santa Clara County Counsel. “Proposition 8 would destroy several of those basic principles at the very point where they intersect. As Californians, we believe in equality; we don’t discriminate against minorities by popular vote. As Californians, we believe in liberty; we don’t interfere with people’s deeply personal decisions. And, as Californians, we believe in a system that preserves our courts as the safeguards of our Constitution; we expect the Court to preserve core constitutional rights, even if the majority of people wish they didn’t apply in a particular situation.”

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Proposition 8 would enshrine discrimination into the California constitution by excluding same-sex couples from fundamental rights guaranteed to every Californian. "Certain rights are central to our government system, including the liberty to marry the person of one's choice," said Supervisor Ken Yeager, County of Santa Clara Board of Supervisors.

If a bare majority vote is allowed to restrict access to the right to marry for a minority that already has been subjected to a long history of unjustifiable discrimination, a new rule would be created where basic rights can be changed and altered by the whim of majorities. California's Constitution says such a profound change can only be accomplished through the more cautious revision process.

Proposition 8 also strips courts of performing one of their most vital functions. "One of the courts' central roles is to enforce the equality principle of our Constitution, and to ensure that vulnerable minorities are treated fairly by political majorities," Ravel said. "If a bare majority is allowed to decide matters of equal protection, the whole notion of equality in our State is under threat. The principles of equality and liberty at issue here go to the very heart of our democracy and are matters on which the Courts must have the final word."

The Court is expected to set oral argument in the case sometime in March.

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