



Equal Rights Advocates

SINCE 1974, LEADING THE FIGHT FOR WOMEN'S EQUALITY



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Prominent California and National Women's Rights Organizations Ask State Supreme Court to Say No to Prop. 8

Women's Groups Warn Against Consequences of Putting Equality Up to a Public Vote

LOS ANGELES (January 14, 2009) – Several leading local, state and national women's rights organizations have submitted an amicus curiae—or friend of the court—brief to the California Supreme Court, asking the Court to invalidate Proposition 8 because of its disastrous implications for women and other groups that face discrimination. The organizations joining the brief—filed in support of the petitioners in *Strauss et al. v. Horton et al.* (#S168047)—will include Equal Rights Advocates, the California Women's Law Center, Women Lawyers of Santa Cruz County, Lawyers Club of San Diego, Legal Momentum, and the National Association of Women Lawyers.

In the papers submitted to the Supreme Court, the prominent women's groups argue that Proposition 8 drastically alters the equal protection guarantee in California's Constitution and that such drastic changes cannot legally be made through a simple majority vote. They argue that such changes require, at a minimum, a two-thirds vote of the legislature

before being submitted to the voters. They further state that the position of the proponents of Proposition 8 is both offensive to the rich history of equality in California and contrary to California law.

“There was a time when women couldn’t own property, couldn’t vote, and were excluded from equal opportunities in education. If these had been up for a public vote we still might not have them,” said Irma D. Herrera, Executive Director of Equal Rights Advocates. “Our constitution proudly protects women and minorities from having our basic civil rights stripped away so easily as they could be with Proposition 8. For the Constitution to have any meaning, core principles such as equal protection can’t be up for grabs in every election.”

“Proposition 8 pushes the door wide open for future majorities to change the Constitution to deny equal treatment to any group they don’t like,” said Katie Buckland, Executive Director of the California Women’s Law Center. “If Proposition 8 is allowed to stand, the equal protection guarantee of our state Constitution will be practically meaningless, promising only that minorities are protected from unfair majority intrusion until the majority says otherwise.”

“State laws banning same-sex marriage are of concern to all Americans because of the harm they cause to individual families nationwide by perpetuating outdated stereotypes about gender roles within marriage. We must ask our courts today to recognize that supportive, loving families are not defined or limited by race, class, or gender,” said Julie F. Kay, senior staff attorney at Legal Momentum.

“We support marriage equality for all citizens. This is a civil right that should not be denied based upon the sex of the partners,” said Margaret Drew of the National Association of Women Lawyers.

“Irell & Manella is proud to provide pro bono representation to these prominent women’s rights organizations in challenging Proposition 8,” said Laura W. Brill, partner at Irell & Manella. “In a state made of immigrants, of men and women, black and white, Anglo, Latino and Asian, gay and straight, old and young, Proposition 8 threatens us all.”

In May of 2008, the California Supreme Court held that same-sex couples must be allowed to marry because the California Constitution provides the same equal treatment protections to lesbian and gay people as are provided to other minority groups. Proposition 8, an initiative on California ballots in the past election, would eliminate that right. In November of 2008, Equal Rights Advocates and the California Women’s Law Center filed a petition for a writ of mandate challenging Proposition 8. The California Supreme Court deferred its ruling on that petition, but agreed to hear other petitions challenging Proposition 8, and invited the groups to submit a request to file a friend of the Court brief. The lead case challenging Proposition 8 is *Strauss et al. v. Horton et al.* (#S168047).

A copy of the amicus brief submitted on behalf of the women's rights organizations will be available at www.equalrights.org and www.cwlc.org. The women's groups are represented on a pro bono basis by Laura W. Brill, Moez M. Kaba, Richard M. Simon, and Mark A. Kressel of **Irell & Manella LLP**.

Equal Rights Advocates has led the legal fight for women's equality for more than 30 years. Since 1974, ERA's mission has been to protect and secure equal rights and economic opportunities for women and girls through litigation and advocacy.

Since its founding in 1989, the **California Women's Law Center** has served as a unique advocate in California, working in collaboration with others to protect, secure and advance the comprehensive civil rights of women and girls. CWLC programs are designed to empower individuals to use the law that governs their rights and to address the legal issues that perpetuate the growing poverty among women and children.

Women Lawyers of Santa Cruz County promotes the advancement of women in the legal profession and is an active advocate for the concerns of women in society.

The **Lawyers Club of San Diego** seeks to advance the status of women in the law and in society. Lawyers Club is a voluntary bar association, comprised of female and male attorneys, judges, law students, and others in the San Diego community who share our interests and goals.

Founded in 1970 as NOW Legal Defense and Education Fund, **Legal Momentum** is the nation's oldest advocacy organization dedicated to advancing the rights of women and girls.

Founded in 1899, the **National Association of Women Lawyers** is a national voluntary legal professional organization devoted to promoting the interests and progress of women lawyers and women's legal rights.