

EQUALITY FOR ALL

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COURT RULES ANTI-GAY INITIATIVE MUST BE PORTRAYED TRUTHFULLY

(Sacramento) A California court today handed the proponents of an anti-gay initiative a stunning defeat with its ruling upholding the language used by the California Attorney General to officially describe the proposed initiative. Proponents of the so-called "Voters' Right to Protect Marriage Initiative" attempted to portray the measure as a protection of marriage. Instead, Attorney General Bill Lockyer issued language that makes it clear that one of the main impacts of the proposed constitutional amendment would be to eliminate the obligations and protections that California law now provides to registered domestic partners.

Sacramento Superior Court Judge Raymond M. Cadei said that Lockyer's summary and title were fair and impartial and has asked for clarifying language regarding certain domestic partnership rights that would be eliminated. From the bench Judge Cadei said, "The initiative seems to put a fairly large bull's eye on domestic partnership rights in the family code."

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There will be another hearing in two weeks unless the parties agree to the language clarification.

“Today’s ruling was in favor of truth and honesty in our election system and a blow to the proponents’ attempts to hide the ball from California’s voters,” says Jennifer C. Pizer, senior counsel with Lambda Legal and the lead counsel for a group of organizations and individuals that were granted the right to intervene in the dispute. “Their intention is to not only permanently ban marriage equality but this amendment would also strip rights from registered domestic partners. Voters are entitled to know that.”

"We are pleased that the court ruled in favor of an honest representation of the real danger posed by this amendment and the radical damage it would wreak on thousands of California families", said Courtney Joslin, Senior Staff Attorney at the National Center for Lesbian Rights.

The groups that intervened were Equality for All, a statewide coalition working to defeat anti-marriage equality measures on the ballot; Equality California, the statewide lesbian, gay, bisexual, transgender advocacy group; and two couples who are registered domestic partners who would be negatively affected if this proposal were to be adopted by the voters.

“Particularly because we have two small children, we are very fearful about what would happen if one of us was injured or died. Although we both are legal parents to our children, our family depends on many domestic partner protections that provide financial and legal security in case of family crisis,” said Johnny Symons. “This amendment would strip away those rights and the protections that come with them.” Symons and his partner William Rogers are one of the two couples who filed as intervenors in today’s case.

“This measure would leave many families headed by same sex couples without health insurance, the right to inherit property without expensive legal documents prepared in advance, the ability to make medical decisions for their family and many other protections that other couples take for granted,” says Geoff Kors, executive director of Equality California, which sponsored California’s domestic partnership law. “The proponents of this measure are out of step with the people of California, who reject discrimination and will also reject this initiative.”

The case is *Bowler v. Lockyer*. Court documents can be found at www.lambdalegal.org. In addition to Lambda Legal, the intervenors are represented by Margaret Prinzing and Karen Getman of Remcho Johansen and Purcell, election law experts based in San Leandro, California; Shannon Minter and Courtney Joslin of the National Center for Lesbian Rights; and Christine Sun, Tamara Lange and Jordan Budd of the ACLU Foundations of California.

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