



# California Dreamin'

Our phenomenal marriage equality win in California is a victory for all people who cherish fairness and opportunity. It affects people in California most directly but also has enormous impact across the country. California, with the largest population of LGBT people in the nation, is now the second state where all people have the opportunity to marry the person they love.

Lambda Legal, lead counsel National Center for Lesbian Rights and the American Civil Liberties Union (assisted by our co-counsel at Heller Ehrman and the Law Firm of David Codell) filed our case four years ago on behalf of several same-sex couples seeking the right to marry, the statewide LGBT advocacy group Equality California and San Francisco's Our Family Coalition. Together, on May 15, 2008 we made history.

The California Supreme Court's 4-3 decision was not liberal, and it was not conservative. Of the majority ruling in our favor, three justices were appointed by a Republican governor, while the other was appointed by a Democrat. The court — one of the most respected in the country — issued a thoughtful and well-reasoned decision, building upon our resounding U.S. Supreme Court success in *Lawrence v. Texas*. We were thrilled to see the California Supreme Court majority proclaim that civil unions or broad domestic partnerships provide no substitute for full and equal access to marriage itself. The court refused to let second-class citizenship carry the day. Movingly, the court wrote, "The ability of an individual to join in a committed, long-term, officially recognized family relationship with the person of his or her choice is often of crucial significance to the individual's happiness and well-being."

The win also strengthened the legal foundation of our civil rights struggle. For example, the majority established that discrimination based upon sexual orientation should receive the highest, most probing examination, known as "strict scrutiny." This validation was stunning in its clarity: "Furthermore, in contrast to earlier times, our state now recognizes that an individual's capacity to

establish a loving and long-term committed relationship with another person...does not depend upon the individual's sexual orientation, and, more generally, that an individual's sexual orientation — like a person's race or gender — does not constitute a legitimate basis upon which to deny or withhold legal rights."

With a constitutional amendment looming on California's ballot this fall, Lambda Legal will continue to fight for equality, working with our partners to educate people about fairness and to defeat the antigay ballot initiative. Our hope is that the fair-minded people of California will not tarnish the state constitution by choosing to write discrimination into it through a ballot measure. Our belief is that Californians — and Americans — will continue to move forward and not turn back.

Jenny Pizer, Lambda Legal Senior Counsel, put it best: "Today, for the first time, lesbian and gay families in California are fully equal under law. Their promises of love and commitment for a lifetime can have the same legal protection and dignity as those of other loving couples. Expansion of equality, fairness and inclusion makes California better, and ultimately makes America better. Future generations will look back on today's decision and recognize it as an important, historic step forward, in keeping with our best traditions of fairness and opportunity for all."

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