



CITY OF OAKLAND
newsrelease
Office of the City Attorney

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City of Oakland joins lawsuit challenging Proposition 8 as unfair & unconstitutional

OAKLAND, CA – In a unanimous vote Tuesday, the Oakland City Council decided to join the City of San Francisco's lawsuit against Proposition 8, the initiative that seeks to deny equal protection and basic marriage rights to same sex couples in California.

The City Council's vote authorizes Oakland to join as a petitioner in the lawsuit filed November 5 by San Francisco, Los Angeles and the County of Santa Clara.

The lawsuit intends to invalidate Proposition 8 on the grounds that it is discriminatory and unconstitutional. Proposition 8, passed by a slim majority of voters this month, effectively deletes the state constitution's Equal Protection Clause for same sex couples. San Francisco's petition argues that such a sweeping redefinition of equal protection would require a constitutional revision rather than a mere amendment.

"Despite the best efforts of out-of-state theocrats to limit civil rights in California, our state constitution does not permit a second and inferior status for millions of our family members, neighbors and fellow citizens," Oakland City Attorney John Russo said Wednesday. "Governor Schwarzenegger is right to compare Proposition 8 to the old laws against interracial marriage in California, which the state Supreme Court struck down 60 years ago. The high court has already ruled that the same principle of equality under the law guarantees the fundamental right to marry to same sex couples. We are confident that the court will continue to stand up for equal protection and reject Proposition 8 as inherently unfair and unconstitutional."

On Wednesday, the California Supreme Court announced that it will hear the legal challenges to Proposition 8. The San Francisco City Attorney's Office will amend its complaint to include Oakland as a petitioner.
