



FACT SHEET ***Perry v. Schwarzenegger***

ABOUT Perry v. Schwarzenegger

In May 2009, attorneys representing two men and two women in California filed suit in federal court to challenge the constitutionality of the state's voter-approved marriage amendment, which protects marriage as the union of one man and one woman. Alliance Defense Fund attorneys, as part of the ProtectMarriage.com legal team, filed and obtained intervention in the lawsuit on behalf of ProtectMarriage.com, the official proponents and campaign committee of Proposition 8. The case is on appeal after a federal judge in San Francisco ruled the amendment unconstitutional under the U.S. Constitution on Aug. 4, 2010. The district judge's opinion included many baseless and unprecedented [findings and legal conclusions](#). On Aug. 16, the U.S. Court of Appeals for the 9th Circuit granted a motion filed by the ProtectMarriage.com legal team that asked the court to stay the district judge's decision until the appellate court has time to hear the case. Numerous groups [filed friend-of-the-court briefs](#) with the 9th Circuit in September in favor of California's amendment. Among the [briefs](#) is one filed by 13 state attorneys general.

CURRENT STATUS OF Perry v. Schwarzenegger AS OF 12/3/10

ADF attorneys will join lead counsel Charles J. Cooper and other attorneys from the law firm of Cooper and Kirk along with ProtectMarriage.com General Counsel Andrew Pugno for oral arguments on Dec. 6 at the 9th Circuit. Cooper will argue before a three-judge panel consisting of Judges Stephen Reinhardt, Michael Hawkins, and Norman Randy Smith.

FOCUS OF HEARING – WHAT IS AT STAKE?

A federal court decision overturning Proposition 8 would bring additional years of chaos and confusion in the legal battle to preserve marriage. It could impact marriage laws in up to 45 other states—including the 30 states where voters overwhelmingly adopted state constitutional amendments—along with eliminating the right of Californians to reaffirm marriage in their state constitution. Also at stake is...

- The common sense idea that every child should have a right to be raised in a home with both a mom and a dad.
- Whether America will be forced to accept the bizarre, court-invented claim that men and women are interchangeable and that their unique qualities are meaningless in raising children.
- Whether Americans will be forced to surrender their freedom to set public policy to a small group of wealthy activists who wish to impose their will on a state or an entire nation.
- Whether marriage will remain a unique institution that promotes the important interests of children and society or be transformed into nothing but a legal arrangement based only on the demands of the adults involved.
- Whether voters may freely consider their own moral and religious views about marriage—or any other subject—when casting their ballots or be forced by violence and intimidation to remain silent about their deepest convictions.
- Whether voters may collectively decide through the democratic process that marriage between one man and woman should be protected in their state constitution.

RESEARCH ON MARRIAGE

A [recent study conducted by Yale University](#) supports the common-sense position that, all things being equal, children should be raised with their own mom and dad: 81% believe that society should do everything possible to encourage the ideal of children being raised by their mom and dad, 57% believe the law should encourage that children be raised by a mom and a dad, 68% worry about the decline of the natural family, and 70% believe that a man-woman relationship is important in teaching children about how men and women interact.

CONTACT ADF MEDIA RELATIONS

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ABOUT ADF

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of strategy, training, funding, and litigation to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

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