



## **FACT SHEET** ***Perry v. Brown***

### ***ABOUT Perry v. Brown***

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. 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 decide the case. Numerous groups [filed friend-of-the-court briefs](#) with the 9th Circuit in September 2010 in favor of California's amendment. Among the [briefs](#) is one filed by 13 state attorneys general. On Dec. 6, 2010, a hearing was held before the U.S. Court of Appeals for the 9th Circuit, which referred the case back to the California Supreme Court to determine whether or not the ProtectMarriage.com legal team had standing to defend the amendment, in light of the governor's and attorney general's refusal to do so. On Nov. 17, 2011, the California Supreme Court ruled that the ProtectMarriage.com legal team did have standing under state law. The 9th Circuit will soon issue its own ruling based on that determination. On Dec. 8, 2011, the 9th Circuit heard arguments on two issues: whether Judge Vaughn Walker should have recused himself from the district court trial and whether videotapes of that trial should be unsealed.

### ***CURRENT STATUS OF Perry v. Brown AS OF 12/15/2011***

The 9th Circuit will soon issue its rulings on standing, recusal, and the videotapes, as explained above.

### ***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.
- Such a decision could impact marriage laws in up to 44 other states—including the 29 other states where voters overwhelmingly adopted state constitutional amendments—along with eliminating the right of Californians to reaffirm marriage in their state constitution.

### ***RESEARCH ON MARRIAGE***

A [recent scientific poll](#) conducted by the Alliance Defense Fund and Public Opinion Strategies found that 62 percent of Americans believe marriage should be defined as the union of one man and one woman. In addition, a [study conducted by Yale University](#) supports the position that, all things being equal, children should be raised with their own mom and dad: 81 percent believe that society should do everything possible to encourage the ideal of children being raised by their mom and dad, 57 percent believe the law should encourage that children be raised by a mom and a dad, 68 percent worry about the decline of the natural family, and 70 percent 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***

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