

RESPONSE TO MAY 26, 2009 CALIFORNIA STATE SUPREME COURT RULING  
ON THE CONSTITUTIONALITY OF PROPOSITION 8

Administrative Affirmation

Background Statement

On Tuesday morning, the leaders of the Northern California Nevada Conference of the United Church of Christ (UCC), preparing for its Annual Gathering, received with great disappointment the California State Supreme Court ruling that upholds Proposition 8 and denies equal marriage rights and equal protection to our gay, lesbian, bisexual and transgender brothers and sisters who are members of our communities, churches and families.

In 1972 the Golden Gate Association of this Conference became the first body of a mainline denomination to ordain an openly gay man.

In 2005 this Conference co-sponsored the UCC General Synod resolution "Equal Marriage Rights for All." This resolution "urges the congregations and individuals of the UCC to prayerfully consider and support local, state, and national legislation to grant equal marriage rights to couples regardless of gender."

Last year, at our 2008 Annual Meeting, this Conference affirmed with joy the California Supreme Court's Decision to extend equal marriage rights to all. This action was in keeping with a history of affirming equal rights for all God's children, regardless of their sexual orientation.

In November 2008, the voters of California approved Proposition 8 by a vote of 52% to 48% to change the California Constitution by defining marriage to be between a man and a woman.

The Conference Council joined other religious bodies in challenging the constitutionality of Proposition 8 claiming that the initiative was a revision to the Constitution, requiring a 2/3 vote, rather than an amendment, which requires a simple majority.

In its ruling, on May 26 the court asserted: *The principal issue before us concerns the scope of the right of the people, under the provisions of the California Constitution, to change or alter the state constitution itself through the initiative process," the court wrote, "not to determine whether the provision at issue is wise or sound.*

The decision by the California Supreme Court is a step backwards and is contrary to the central message of the Christian church and the deeply held convictions of many people of faith.

Administrative Affirmation to be Voted

**The 2009 Annual Meeting of the Northern California Nevada Conference of the United Church of Christ is deeply distressed by the action of the California Supreme Court, made public on May 26, 2009, to uphold the constitutionality of Proposition 8 , which through a simple majority vote denied the civil rights of a minority of Californians. We reaffirm our Christian commitment to marriage equality and we recommit ourselves to working toward the day when marriage rights are available to everyone.**

**The 2009 Annual Meeting of the NCNC-UCC proclaims that the teachings of Jesus Christ affirm the dignity of all people. We therefore declare the Gospel message to be fundamental to our commitment to marriage equality.**

**Whereas, in 2005 the UCC General Synod passed the resolution “Equal Rights for All” which urged congregations to prayerfully consider and support equal marriage rights for all couples regardless of gender,**

**And whereas the California Supreme Court ruling of May 26, 2009 upheld Proposition 8, which eliminated marriage rights for same-sex couples,**

**We therefore call upon our Conference Council to act with our churches and their leaders as prophetic witnesses to the larger community advocating for the right of all couples to marry.**

Recommendations for Implementation

- Issue an immediate press release expressing our Christian position supporting marriage equality.
- Encourage clergy not to act as civil agents by refraining from signing state-issued marriage licenses when performing religious marriage ceremonies until California recognizes marriage equality for all citizens.
- Form a task force, with youth participation, which will
  - organize a Conference-wide day of mourning marking the revocation of marriage rights of same-sex couples,
  - organize a Conference-wide event within six months to support our congregations in working for marriage equality with the intention of creating a unified voice and strategy,
  - promote education, Bible study and advocacy regarding marriage equality and,
  - explore collaboration with the Southern California Nevada Conference and national setting of the UCC to promote marriage equality and,
  - work with other faith communities and secular organizations.
- Provide pastoral care for all harmed by the recent Supreme Court ruling upholding Proposition Eight.

Fiscal Impact: None

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