

RESOLUTION RULES, ELECTIONS, INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal government body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Census Bureau found that in 2021 more than 2.7 million Californians, 9% of the state population, identify as Lesbian, Gay, Bisexual, or Transgender (LGBT); and

WHEREAS, in 2008, a narrow majority of Californians voted in favor of Proposition 8, which amended the state constitution to ban same-sex marriage after a campaign in which millions of dollars raised in support of Proposition 8 came from groups outside California; and

WHEREAS, in 2015, the United States Supreme Court nullified Proposition 8 by ruling in *Obergefell v. Hodges* that state bans on same-sex marriage violated the due process and equal protection clauses of the Fourteenth Amendment of the United States Constitution; and

WHEREAS, writing for the majority in *Obergefell* case, Justice Kennedy emphasized “no union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family”; and

WHEREAS, the United States Supreme Court held in *Roe v. Wade*, and reaffirmed in *Planned Parenthood v. Casey*, that the due process clause of the Fourteenth Amendment also generally protects a woman’s right to terminate a pregnancy and yet, in 2022, the United States Supreme Court’s new majority overturned decades of well-established legal precedent by stating in *Dobbs v. Jackson Women’s Health Organization* that the Fourteenth Amendment does not protect the right to terminate a pregnancy, and that states may regulate abortion so long as they comply with federal law; and

WHEREAS, in his concurrence in *Dobbs v. Jackson Women’s Health Organization*, Justice Clarence Thomas stated that the Supreme Court should reconsider all of its substantive due process cases, including *Obergefell v. Hodges*; and

WHEREAS, if *Obergefell v. Hodges* were overturned, Proposition 8, which is still in the California state constitution, would critically endanger the right to same-sex marriage in California; and

WHEREAS, Congress in 2022 passed the Respect for Marriage Act, which requires the federal government to recognize same-sex and interracial marriages, but it does not require states to issue marriage licenses to same-sex couples; and

WHEREAS, the Respect for Marriage Act enshrines protections for religious liberty and ensures that religious institutions are not compelled to officiate any marriage inconsistent with their sacraments; and

WHEREAS, Assembly Constitutional Amendment 5 (Low, Wiener) would remove Proposition 8 from the California state constitution, protecting the right to same-sex marriage in California; and

WHEREAS, the right to marry the person one loves, regardless of sexual orientation or gender identity, is fundamental to ensuring the equal rights of millions of Californians;

MAR 10 2023

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2023-2024 State Legislative Program SUPPORT for Assembly Constitutional Amendment 5 (Low, Wiener) which would overturn Proposition 8 and protect same-sex marriage in California.

PRESENTED BY: Paul Kerkorian

PAUL KREKORIAN
Councilmember, 2nd District

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Armen Prof

SECONDED BY: Lucas Arroyo

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[Signature]

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