Case No. S168047

IN THE

Supreme Court of the State of California

Karen L. Strauss, Ruth Borenstein, Brad Jacklin, Dustin Hergert, Eileen Ma, Suyapa Portillo, Gerardo Marin, Jay Thomas, Sierra North, Celia Carter, Desmund Wu, James Tolen, and Equality California,

Petitioners,

v.

Mark Horton, in his official capacity as State Registrar of Vital Statistics of the State of California and Director of the California Department of Public Health; Linette Scott, in her official capacity as Deputy Director of Health Information & Strategic Planning for the California Department of Public Health; and Edmund G. Brown, Jr., in his official capacity as Attorney General for the State of California,

Respondents,

Proposition 8 Official Proponents Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez, Hak-Shing William Tam, and Mark A. Jansson; and ProtectMarriage.com - Yes on 8, a Project of California Renewal,

Proposed Intervenor Real Parties in Interest.

REQUEST FOR JUDICIAL NOTICE BY PROPOSED INTERVENOR REAL PARTIES IN INTEREST PROPOSITION 8 OFFICIAL PROPONENTS, ET AL. IN SUPPORT OF MOTION TO INTERVENE

LAW OFFICES OF ANDREW P. PUGNO
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Attorneys for Proposed Intervenor Real Parties in Interest

SUPREME COURT
FILED

NOV 17 2008

Frederick K. Ohlrich Clerk

Deputy

(Motion to Intervene filed concurrently)

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Attorneys for Proposed Intervenor Real Parties in Interest

(Motion to Intervene filed concurrently)

INTRODUCTION

Pursuant to Rule 8.252 of the California Rules of Court and California Evidence Code sections 452 and 459, Proposed Intervenor Real Parties in Interest --- the five Official Proponents of Proposition 8 (Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez, Hak-Shing William Tam, and Mark A. Jansson) and the official campaign committee in favor of Proposition 8 (ProtectMarriage.com - Yes on 8, a Project of California Renewal, FPPC ID #1302592) --- request that this Court to take judicial notice of the following:[1]

Exhibit A:	Election Results for Proposition 8 appearing on the Secretary of State's website.
Exhibit B:	Press release from Secretary of State announcing that Proponents of Proposition 8 can begin collecting petition signatures, dated November 29, 2007.
Exhibits C-I:	News Articles Regarding Proposition 8.

True and correct copies of Exhibits A-I are attached. (See Declaration of Andrew P. Pugno).

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[1] Substantially identical Requests for Judicial Notice are being filed concurrently in support of the Official Proponents' motions to intervene as Real Parties in Interest in the following three cases: *Strauss v. Horton*, S168047; *City and County of San Francisco v. Horton*, S168078; and *Tyler v. State of California*, S168066.

ARGUMENT

I. This Court Should Judicially Notice Exhibits A and B, Information And Statements From State Officials Regarding Proposition 8.

Official Proponents request that this Court take judicial notice of Exhibits A and B. These exhibits should be judicially noticed under California Evidence Code, section 452(h), which authorizes the taking of judicial notice of "[f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy."

The information contained in Exhibits A-E are official documents published by the Secretary of State. The documents reflect statements and statistics regarding the passing of Proposition 8. Proposition 8, which stated that "[o]nly marriage between a man and a woman is valid or recognized in California," passed by majority voter approval on November 4, 2008.

Exhibit A is judicially noticeable as it is the present election results reporting from the Secretary of State's website, which is especially important, as it shows that Proposition 8 passed by majority and the current percentage by which it passed. (*People v. Harris* (1984) 36 Cal.3d 36, 48, fn. 3 ["We take judicial notice of the federal census. (Evid. Code, § 452, subds. (b), (c) and (h).)"]; *Diaz v. Kay-Dix Ranch, et al.* (1970) 9 Cal.App.3d 588, 596, fn. 6 ["The court takes judicial notice of these statistics from an official government source. (Evid. Code, §§ 452(h), 454.)"].

Exhibit B is a judicially noticeable press release from the Secretary of State's office, which states that Proposition 8 proponents could pursue petition signatures and specifies the number of signatures needed and the deadlines for qualifying for the November 2008 ballot. Judicial notice of the press release itself carries authoritative or persuasive value. (*People v.*

Roman (2001) 92 Cal.App.4th 141, 145, fn. 4 ["Defendant requests we take judicial notice of a press release setting forth Special Directive 00-02. The directive is undated, although the press release is dated December 19, 2000. We grant the motion for judicial notice."]; *Kagan v. Kearney* (1978) 85 Cal.App.3d 1010, 1016 ["[W]e take judicial notice of the fact that the Registrar disseminated election information through press releases to all the media."]; *Hurvitz v. Hoefflin, et al.* (2000) 84 Cal.App.4th 1232, 1235, fn. 1 [Court can take judicial notice of the content of what has been reported in news articles.])

II. This Court Should Judicially Notice Exhibits C-I, New Articles Reporting On Proposition 8 In Regards To Attorney General's Actions With Regard To Proposition 8, And Governor Arnold Schwarzenegger Support For This Court Overturning Proposition 8.

Official Proponents request that this Court take judicial notice of Exhibits C-I. These exhibits should be judicially noticed under California Evidence Code, section 452(h).

Exhibits C, D and E are news articles relevant to this case in that they demonstrate that it has been reported that analysts and political observers believe that the Attorney General has a bias against Proposition 8.

Exhibit F is a news article relevant to this case in that it shows that the amount of money spent by both sides made Proposition 8 the most expensive social issue campaign in the history of the United States.

Exhibits G, H and I are news articles relevant to this case in that they demonstrate Governor Arnold Schwarzenegger's public position in support of this Court overturning Proposition 8.

Judicial notice of Exhibits C-I is appropriate and may be considered by this Court for persuasive value. (*Seelig v. Infinity Broadcasting Corp., et*

al. (2002) 97 Cal.App.4th 798, 808, fn. 5 ["[D]efendants ask this court to take judicial notice of news articles . . . [w]e grant the request, exercising our discretion to judicially notice matters that were subject to discretionary judicial notice"]; *Hurvitz v. Hoefflin, et al.* (2000) 84 Cal.App.4th 1232, 1235, fn. 1 [Court can take judicial notice of the content of what has been reported in news articles]; *League of United Latin American Citizens v. Wilson* (9th Cir.1997) 131 F.3d 1297, 1305 [citing political columnists' newspaper article regarding political circumstances surrounding voter initiative].)

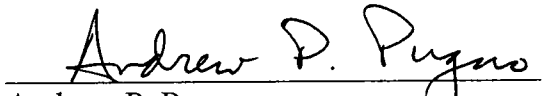
CONCLUSION

For the foregoing reasons, the Fund respectfully requests that the Court take judicial notice of Exhibits A-I.

Dated: November 17, 2008.

Respectfully submitted,

LAW OFFICES OF ANDREW P. PUGNO
ANDREW P. PUGNO



Andrew P. Pugno
Attorney for Proposed Intervenor Real Parties in Interest

DECLARATION OF ANDREW P. PUGNO

I, Andrew P. Pugno, declare as follows:

1. I am an attorney licensed to practice before this Court. I am an attorney for the Official Proponents in the above-named action. I have personal knowledge of the facts stated herein, and if called as a witness I would testify competently thereto.

2. I make this declaration in support of the attached Request for Judicial Notice.

3. Attached hereto as Exhibits A-I are true and correct copies of:

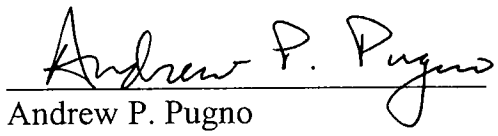
Exhibit A:	Election Results for Proposition 8 appearing on the Secretary of State's website (11/14/2008).
Exhibit B:	Press release from Secretary of State announcing that Proponents of Proposition 8 can begin collecting petition signatures, dated November 29, 2007.
Exhibit C:	Jessica Garrison, *Opponents of gay marriage say they'll sue over changed wording in Proposition 8*, LA Times (7/29/2008).
Exhibit D:	Dan Walters, *Jerry Brown's cynical ploy on gay rights*, Sacramento Bee (July 30, 2008) p. A3.
Exhibit E:	Dan Morain, *Proposition 8 stands, despite protests and court challenges,* LA Times (11/10/2008).
Exhibit F:	Lisa Leff, *Calif. Gay marriage ban a $73M race*, Associated Press (November 4, 2008).
Exhibit G:	Michael Rothfield and Tony Barboza, *Schwarzenegger tells backers of gay marriage: Don't give up*, LA Times (11/10/2008).

Exhibit H: *Calif. Gov.: 'We will maybe undo' Prop 8*, UPI.com (11/9/2008).

Exhibit I: Dan Smith, *Schwarzenegger won't join Prop 8 fight*, Sacramento Bee (11/16/2008)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in Folsom, California on November 17, 2008.



Andrew P. Pugno

[PROPOSED] ORDER

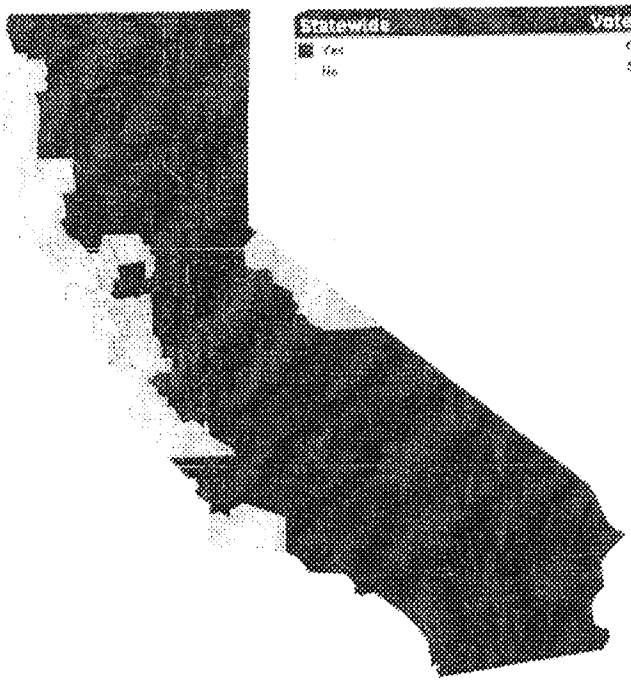
AFTER DUE CONSIDERATION, for good cause shown, this Court **GRANTS** Official Proponents' request for judicial notice.

Dated: _____, 2008.

_____
Chief Justice

Proposition 8 - Eliminates Right of Same-Sex Couples to Marry

100.0% (25,423 of 25,423) precincts partially or fully reporting as of Nov 14, 2008, at 7:00 a.m.
Visit our County Reporting Status page to determine if a county has submitted a final report or returns



Statewide	Votes	%
Yes	6,166,866	52.2%
No	5,640,170	47.8%

For county-specific data, move your cursor over a county and refer to the box next to the state map. For statewide totals, move your cursor off the state map and refer to the box next to the state map.

Maps

U.S. President
All Ballot Measures
Individual Ballot Measures Statewide/County

Statewide/County
Statewide/County

Proposition 1A	Proposition 5	Proposition 9
Proposition 2	Proposition 6	Proposition 10
Proposition 3	Proposition 7	Proposition 11
Proposition 4	Proposition 8	Proposition 12

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DEBRA BOWEN
CALIFORNIA SECRETARY OF STATE

NEWS RELEASE

DB07:101

FOR IMMEDIATE RELEASE
November 29, 2007

CONTACT: Kate Folmar
(916) 653-6575

Seventh Marriage Initiative Enters Circulation

Limit on Marriage. Constitutional Amendment.

SACRAMENTO – Secretary of State Debra Bowen today announced that the proponents of a new initiative may begin collecting petition signatures for their measure.

The Attorney General prepares the legal title and summary that is required to appear on initiative petitions. When the official language is complete, the Attorney General forwards it to the proponents and to the Secretary of State. The Secretary of State then provides calendar deadlines to the proponents and to county elections officials, and the initiative may be circulated for signatures. The Attorney General's official title and summary for the measure is as follows:

> **LIMIT ON MARRIAGE. CONSTITUTIONAL AMENDMENT.** Amends the California Constitution to provide that only marriage between a man and a woman is valid or recognized in California. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: The measure would have no fiscal effect on state or local governments. This is because there would be no change to the manner in which marriages are currently recognized by the state. (Initiative 07-0068.)

The Secretary of State's tracking number for this measure is 1298 and the Attorney General's tracking number is 07-0068.

The proponents for this measure, Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez, Hak-Shing William Tam, and Mark A. Jansson, must collect signatures of 694,354 registered voters – the number equal to 8% of the total votes cast for governor in the 2006 gubernatorial election – in order to qualify it for the ballot. The proponents have 150 days to circulate petitions for this measure, meaning the signatures must be collected by April 28, 2008.

The initiative proponents can be reached at (916) 608-3065.

For more information about the other six marriage initiatives proposed earlier this year, go to http://www.sos.ca.gov/elections/elections_j.htm.

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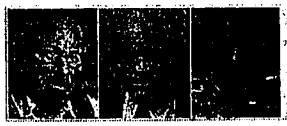
Los Angeles Times



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Entertainment

http://www.latimes.com/news/local/la-me-gaymarriage29-2008jul29,0,3163072.story
From the Los Angeles Times

Opponents of gay marriage say they'll sue over changed wording in Proposition 8

After a tweak by the state attorney general's office, the initiative now seeks to 'eliminate the right' of same-sex couples to marry, wording that the measure's proponents say could prejudice voters.

By Jessica Garrison
Los Angeles Times Staff Writer

July 29, 2008

Supporters of Proposition 8, the proposed state constitutional amendment that would ban gay marriage, said they would file suit today to block a change made by California Atty. Gen. Jerry Brown to the language of the measure's ballot title and summary.

Petitions circulated to qualify the initiative for the ballot said the measure would amend the state Constitution "to provide that only marriage between a man and a woman is valid or recognized in California."

In a move made public last week and applauded by same-sex marriage proponents, the attorney general's office changed the language to say that Proposition 8 seeks to "eliminate the right of same-sex couples to marry."

Jennifer Kerns, spokeswoman for the Protect Marriage coalition, called the new language "inherently argumentative" and said it could "prejudice voters against the initiative."

Proponents of the measure said they want voters to see ballot language similar to what was on the petitions that began circulating last fall.

"This is a complete about-face from the ballot title that was assigned" when the measure was being circulated for signatures, Kerns said.

On the other side, Steve Smith, campaign manager for No on Proposition 8, applauded the language change.

"What Proposition 8 would do is eliminate the right of same-sex couples to marry, which is exactly what the attorney general put in the title of the measure," he said. "It will be very difficult for them to win the case."

Political analysts on both sides suggest that the language change will make passage of the initiative more difficult, noting that voters might be more reluctant to pass a measure that makes clear it is taking away existing rights.

The dust-up reflects the fierce battle being waged over the question of same-sex marriage in California, the most closely-watched social issue that will appear on the November ballot.

And it has raised suspicion in some circles that Brown, a possible candidate for governor in 2010, was influenced by politics.

"He is delivering something . . . that is very important to the gay community, and that is a title and summary that is more likely to lead you to vote 'No,' " said political analyst Tony Quinn.

San Francisco Mayor Gavin Newsom, who became a hero to the gay and lesbian community in 2004 when he officiated same-sex marriages that were later invalidated by the state, is also exploring a run for governor.

Quinn added that language changes that substantive are "highly unusual."

Gareth Lacy, a spokesman for the attorney general, denied that there was any political motivation for the move.

Instead, he said, the change was necessary because of the dramatic turn of events that have taken place since the petitions were circulated: namely that the California Supreme Court legalized same-sex marriage and thousands of gay couples have since wed.

"The title and summary accurately reflect the measure," Lacy said.

He noted that language in titles and summaries often changes between the time a measure is circulated for signatures and when it appears on the ballot.

In another change, the revised language predicts a loss to state and local governments of tens of millions of dollars in sales tax revenues over the next few years if the measure passes. But the nonpartisan Legislative Analyst's Office said that in the long run there would "likely be little fiscal impact."

jessica.garrison@latimes.com

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The Web Site of The Sacramento Bee

Dan Walters: Jerry Brown's cynical ploy on gay rights

By Dan Walters - dwalters@sacbee.com
Published 12:00 am PDT Wednesday, July 30, 2008

The state Supreme Court's declaration that same-sex couples can marry was morally and legally sound, but Attorney General Jerry Brown is sullying that historic act by skewing the wording of a November ballot measure that would reverse the court's ruling.

Brown sharply altered the "title and summary" of Proposition 8, a measure to outlaw same-sex marriages by amending the state constitution, just a few days after the Supreme Court refused to eliminate the measure from the ballot.

When backers of the measure circulated petitions to place the measure on the ballot, the title – approved by Brown's office – said it "amends the California Constitution to provide that only marriage between a man and a woman is valid or recognized in California." But last week, he abruptly changed it to say it would "eliminate the right of same-sex couples to marry," which carries a much different connotation.

Brown's spokesman insists the change merely conforms its effect to the Supreme Court ruling, but the gay rights groups opposed to Proposition 8 rejoiced and proponents fumed. Both know that to some voters – perhaps a decisive bloc in a close election – the new ballot title language could make the measure sound punitive by eliminating a "right." And it could be a close election.

Proposition 22, the 2000 ballot measure that blocked gay marriage (and was invalidated by the Supreme Court's ruling), passed by a 61 percent to 39 percent margin. But a recent Field Poll found that 51 percent of voters oppose Proposition 8 and 42 percent favor it, indicating that the battle will be fierce and go down to the wire.

Brown's action is reminiscent of the misleading and biased title and summary he issued for a February ballot measure to modify legislative term limits that obscured its true impact. And it's likely that Brown altered Proposition 8's title language either at the behest of gay rights groups opposed to Proposition 8 or to curry favor with them, with the likely motivation that Brown wants to run for governor in 2010 and helping defeat Proposition 8 would help him win the Democratic nomination.

Brown, who served two terms as governor more than a quarter-century ago, makes little secret of his ambition, but one of his likely opponents for the nomination, San Francisco Mayor Gavin Newsom, has become the gay rights advocates' main man by defying the state's ban on same-sex marriage and forcing the issue into the courts.

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Proposition 8 stands, despite protests and court challenges

As advocates of same-sex marriage turn to courts, protests and perhaps a future ballot measure to overturn Proposition 8, the Yes-on-8 campaign manager declared the measure to be "as over as Barack Obama's election."

Yes on 8 strategist **Frank Schubert** said the best way to overturn the measure would be to place an initiative on the ballot that would repeal it. But he doubts that will happen.

"Politically this was the best chance they could have possibly had," Schubert said.

The all-important ballot title written by Atty. Gen. **Jerry Brown** cast the measure as one that would revoke a right. The language had been viewed as particularly helpful to people who opposed the measure.

Also, Schubert noted, there was a huge Democratic turnout -- though many Democrats, particularly African Americans and Latinos, don't support same-sex marriage and voted for Proposition 8. Exit polls showed blacks supported the measure 70%-30%.

One of the closing ads featured **Dianne Feinstein**. Popular though she is, Schubert said it was odd that foes of same-sex marriage would tap Feinstein to lecture minorities about discrimination.

"It had the feel of a lily white liberal campaign," Schubert said.

He added that the ongoing protests by supporters of same-sex marriage will not help their cause and will have the effect of hardening support for Proposition 8.

Schubert's comments came as Democratic state legislators, including leaders of the Senate and assembly, filed a brief urging that the California Supreme Court void Prop. 8.

No Republican legislator signed the petition, although **Arnold Schwarzenegger**, a Republican, denounced the measure in a television appearance over the weekend.

With almost 11 million ballots tallied, Prop. 8 had 52.3% of the vote, with 47.7% against. Although many ballots remain to be counted, the 500,000-vote spread is viewed as insurmountable.

"Proposition 8 seeks to effect a monumental revision of this foundational principle and constitutional structure by allowing a bare majority of voters to eliminate a fundamental right of a constitutionally protected minority group," says the brief, written pro bono by the firm, Gibson, Dunn & Crutcher.

"If Proposition 8 takes effect, this Court will no longer be the final arbiter of the rights of minorities."

-- Dan Morain

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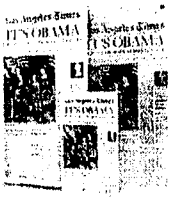

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Our Bloggers

Don Frederick has served as an editor helping guide coverage of every presidential election since 1984. He is a third-generation Washingtonian, so watching the political world comes naturally to him.

A graduate of Northwestern University, he was a reporter for newspapers in Colorado, New Mexico and Texas before joining the (now-defunct) Los Angeles Herald Examiner in 1983. Hired by The Times in 1989, he has worked in its Washington bureau since 1996 -- a perch providing him a close up view of the impeachment of President Clinton, the government's response to 9/11 and the day-to-day wrangling of the two major parties.

Andrew Malcolm's immigrant parents repeatedly stressed the importance of active participation in a democracy. Early lessons included learning the alphabetical list of states by watching televised roll calls of national political conventions. That childhood exposure led to a lifelong fascination with politics, including 40-plus years of covering them and a brief stint practicing them as press secretary to Laura Bush in 1999-2000.

A veteran foreign and national correspondent, Malcolm served on the Times Editorial Board and was a Pulitzer finalist in 2004. He is the author of 10 nonfiction books and father of four.

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Local

Calif. gay marriage ban a $73M race
By LISA LEFF, The Associated Press
2008-11-04 01:44:50.0
Current rank: *Not ranked*

SAN FRANCISCO -
Spending for and against a ballot initiative that would outlaw same-sex marriage in California has surpassed $73 million, almost twice the total that was spent in the 24 states where similar measures were put to voters since 2004, campaign finance records show.

Opponents of Proposition 8 had a slight lead in contributions as of Monday, having raised $37.6 million. Supporters of the gay marriage ban had raised $35.8 million.

A little less than $33 million was spent on campaigns to pass or defeat gay marriage bans in the 24 states where they appeared on ballots in 2004, 2005 and 2006, according to the National Organization on Money in State Politics.

Experts have said the California measure has become the most expensive social issue campaign in U.S. history and is the costliest election this year outside the race for the White House. About 30 percent,or $22 million, of the donations reported by supporters and opponents of Proposition 8 have come from outside the state, according to an analysis by The Associated Press.

The most most-of-state money has come from Utah, where the Church of Jesus Christ of Latter-day Saints has encouraged faithful Mormons to support Proposition 8. Of the $3.6 million in Utah contributions, $2.6 million has gone to committees backing the measure.

Of the $51 million given by California contributors, less than $550,000 separated the totals raised by the two sides in the emotional election. The latest polls suggest the outcome of Tuesday's vote could be equally close, with voters inclined to back and those intending to oppose Proposition 8 separated by as little as five points.

The respective campaigns, which have argued in recent weeks over what the measure would do and who it would hurt, grew even more contentious on Monday.

The Anti-Defamation League issued a statement criticizing a Yes on 8 spokesman for making a comparison between what gay marriage opponents face and the tactics of Adolf Hitler. The sponsors of the gay marriage ban shot back by criticizing a new ad from the No on 8 campaign that compared the discrimination facing same-sex couples to the internment of Japanese-Americans during World War II.

Clerks offices throughout the state reported issuing large numbers of marriage licenses on Friday and Monday to same-sex couples who opted to tie the knot in case the initiative passes.

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From the Los Angeles Times

More on gay marriage

Schwarzenegger tells backers of gay marriage: Don't give up

The governor expresses hope that Proposition 8 would be overturned as protesters continued to march outside churches across California

By Michael Rothfeld and Tony Barboza

November 10, 2008

Reporting from Sacramento and Lake Forest — Gov. Arnold Schwarzenegger on Sunday expressed hope that the California Supreme Court would overturn Proposition 8, the ballot initiative that outlawed same-sex marriage. He also predicted that the 18,000 gay and lesbian couples who have already wed would not see their marriages nullified by the initiative.

"It's unfortunate, obviously, but it's not the end," Schwarzenegger said in an interview Sunday on CNN. "I think that we will again maybe undo that, if the court is willing to do that, and then move toward from there and again lead in that area."

With his favorable comments toward gay marriage, the governor's thinking appears to have evolved on the issue.

In past statements, he has said he believes that marriage should be between a man and a woman and has rejected legislation authorizing same-sex marriage. Yet he has also said he would not care if same-sex marriage were legal, saying he believed that such an important societal issue should be determined by the voters or the courts.

Schwarzenegger publicly opposed Proposition 8, which amends the state Constitution to declare that "only marriage between a man and a woman is valid or recognized in California."

On Sunday, he urged backers of gay marriage to follow the lesson he learned as a bodybuilder trying to lift weights that were too heavy for him at first. "I learned that you should never ever give up. They should never give up. They should be on it and on it until they get it done."

The governor's position on the fate of the existing same-sex marriages aligns him with California Atty. Gen. Jerry Brown, who has said he believes that the state Supreme Court will uphold the existing marriages as valid.

The 14-word constitutional amendment does not state explicitly that it would nullify same-sex marriages performed before the Nov. 4 election, although proponents say it will. Legal experts differ on this point.

Schwarzenegger's comments came as protesters took to the streets for a fifth day in a row, sometimes marching to Catholic and Mormon churches that supported passage of the ballot measure.

Hundreds of Proposition 8 protesters in Orange County gathered down the hill from Saddleback Church in Lake Forest as several thousand congregants attended services inside the sprawling religious campus.

Martijn Hosteller, 30, of West Hollywood held a sign that read "Purpose Driven Hate," a dig at the church's celebrity Pastor Rick Warren, author of the bestseller "The Purpose Driven Life," who backed the ballot measure. "I don't think Jesus would approve of a gay marriage ban," he said. "I don't think God discriminates."

While demonstrators received supportive honks from motorists, many members of the mega-church said they had little sympathy for the protesters because the matter had already been settled by voters.

"We're a democracy and our strength is that the majority wins the vote," said John Kirkpatrick, a church member.

Sherrie Derrico, a longtime Saddleback Church member and hair salon owner from Mission Viejo, said she was bothered that protesters had targeted houses of worship. As she drove by, she rolled down her window to offer some advice.

"Read the Bible. God made man and woman, and that's what a marriage is," she called from inside her SUV.

Derrico recounted the incident after attending services. "When we saw them out there, we thought, 'Why are they not over this? Do they think they're going to change anything, or are they just stirring up trouble at our church?'"

But for Sally "Sal" Landers, 52, a Saddleback Church member from Lake Forest, her participation in the protest was a deeply personal matter. Landers and her female partner of three years plan to marry and adopt children. When she received an e-mail from Warren urging a "yes" vote on Proposition 8, she said, "I felt like I was kicked in the stomach by someone who loves unconditionally."

So on Sunday, Landers joined the protesters outside the church rather than the parishioners inside. "We really love him and respect his opinion," Landers said of Warren. "I need some reassurance that I'm welcome here as a gay American citizen."

Other protests were staged outside Mormon temples or churches in Oakland, Yucca Valley and other cities.

In downtown Los Angeles, 150 protesters congregated in front of the Cathedral of Our Lady of the Angels, chanting, among other things, "What would Jesus say?" The crowd was joined later in the day by protesters who marched from Lincoln Park on the city's Eastside.

Some churches, to be sure, assailed Proposition 8 as discriminatory.

"We will continue to bless same-sex unions here until we can legally celebrate same-sex unions again," the Rev. Ed Bacon told 1,000 congregants during Sunday services at All Saints Episcopal Church in Pasadena, which has blessed same-sex unions for 16 years.

After the service, Bacon and other clergy members held a news conference on the church steps. They were surrounded by gay and lesbian couples, some standing with young children.

"I know these couples. I know their relationships," Bacon said, addressing a phalanx of television cameras. "They should be celebrated, rather than disparaged. ... In the eyes of God, these people are married."

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Governor expands his political view

He urges the GOP to move beyond its ideology. PAGE 3

Calif. gov.: 'We will maybe undo' Prop 8

Published: Nov. 9, 2008 at 8:17 PM

SACRAMENTO, Nov. 9 (UPI) -- California Gov. Arnold Schwarzenegger Sunday said "we will ... maybe undo" a measure passed by voters Tuesday stripping same-sex couples of the right to marry.

Proposition 8 amends the state constitution to declare that "only marriage between a man and a woman is valid or recognized in California." It came in reaction to a state Supreme Court ruling that laws prohibiting same-sex marriage violated the state constitution.

In an appearance Sunday on CNN, Schwarzenegger said the state Supreme Court might overturn Proposition 8, the Los Angeles Times reported. He also said it is likely Proposition 8 will have no effect on the estimated 18,000 same-sex marriages already recorded in California.

"It's unfortunate, obviously, but it's not the end," Schwarzenegger told CNN. "I think that we will again maybe undo that, if the court is willing to do that, and then move forward from there and again lead in that area."

The comments seem to represent a change in Schwarzenegger's thinking, the Times said. In the past he has said he believes marriage should be between a man and a woman, but he has also said the matter should be decided by voters or the courts and he opposed Proposition 8.

He told backers of same-sex marriage they "should never give up."

"They should be on it and on it until they get it done," he said.

THE SACRAMENTO BEE

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Schwarzenegger won't join Prop. 8 fight

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Gov. Arnold Schwarzenegger today said he will not join legislative Democrats in a court fight against Proposition 8, but believes the court ultimately should and will uphold gay marriage in California.

"I think that the Supreme Court was right by saying (a gay marriage ban) was unconstitutional and that everyone should have the right," Schwarzenegger said on ABC's This Week with George Stephanopoulos. "So the Supreme Court, you know, I think ought to go and look at that again. And we'll go back to the same decision... I think that they will. And I think that the important thing now is to resolve this issue in that way."

He added that "for me, marriage is between a man and a woman. But I don't want to ever force my will on anyone."

Meanwhile, he said he would consult with Attorney General Jerry Brown over the legal issues involved in possibly upholding gay marriages already conducted under California.

The governor also repeated his desire for the federal government to help California with its budget troubles, noting that federal stewardship of housing mortgages "created the problem in the first place."

"I think that Washington can give some of that money to the state. And we're not talking about a lot of money, but maybe $5 billion a year, for the next three years, until we get out of this economic crunch that we're in."

Schwarzenegger, however, said California, like the auto industry and others looking for federal help, should get it only if it can "prove that we have our fiscal house in order, and that we can solve our problems ourselves."

The governor has proposed budget-balancing measures that include a sales tax increase and cuts to education and other programs.

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