

GROUP 1 The Executive Branch

DOCUMENT 2 *In this letter, dated Feb. 10, 2004, San Francisco Mayor Gavin Newsom asked the county clerk to issue marriage licenses to gay men and lesbians who request them*

Letter from San Francisco Mayor Gavin Newsom to County Clerk

February 10, 2004

Nancy Alfaro, San Francisco County Clerk
City Hall, Room 168, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Ms. Alfaro,

Upon taking the Oath of Office, becoming the Mayor of the City and County of San Francisco, I swore to uphold the Constitution of the State of California. Article I, Section 7, subdivision (a) of the California Constitution provides that “[a] person may not be . . . denied equal protection of the laws.” The California courts have interpreted the equal protection clause of the California Constitution to apply to lesbians and gay men and have suggested that laws that treat homosexuals differently from heterosexuals are suspect. The California courts have also stated that discrimination against gay men and lesbians is invidious. The California courts have held that gender discrimination is suspect and invidious as well. The Supreme Courts in other states have held that equal protection provisions in their state constitutions prohibit discrimination against gay men and lesbians with respect to the rights and obligations flowing from marriage. It is my belief that these decisions are persuasive and that the California Constitution similarly prohibits such discrimination.

Pursuant to my sworn duty to uphold the California Constitution, including specifically its equal protection clause, I request that you determine what changes should be made to the forms and documents used to apply for and issue marriage licenses in order to provide marriage licenses on a non-discriminatory basis, without regard to gender or sexual orientation.

Respectfully,
Mayor Gavin Newsom

cc: Dennis Herrera, City Attorney, City and County of San Francisco
Matt Gonzalez, President of the Board of Supervisors, City and County of San Francisco
Bill Lockyer, Attorney General, State of California
Kevin Shelley, Secretary of State, State of California
Mabel Teng, Assessor, City and County of San Francisco

Original letter is available at www.sfgov.org/site/mayor_page.asp?id=22779

Questions to guide understanding of Letter to County Clerk

QUESTIONS

1. In his letter, what did Mayor Newsom tell the county clerk to do?

2. What authority did Newsom have to ask her to do it?

3. How did different people respond to Newsom's request?

4. How is the letter similar to Executive Order 9981? How is it different?
