

**RESOLUTION NO.**

**2005-202**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF     MAY 28 2005    

**RESOLUTION OF THE CITY COUNCIL OPPOSING THE RECALL OF  
JUDGE LOREN McMASTER**

WHEREAS, Judge Loren McMaster is a hard-working and well-respected member of the Sacramento Superior Court; and

WHEREAS, Judge McMaster is dedicated to fairly and evenly deciding the cases that come before him; and

WHEREAS, Judge McMaster was lawfully elected in 2002 by the people of the County of Sacramento to serve a six year term as a Superior Court Judge; and

WHEREAS, Judge McMaster ruled in *Knight v. Schwarzenegger* that, "Marriage has been the keystone of a civilized society, predating governmental regulation," and "a marriage is no less or more a marriage when government adds or subtracts yet another restriction, duty or benefit exclusive to the marital relationship;" and

WHEREAS, Judge McMaster ruled AB 25 and AB 205, two laws that granted several rights and responsibilities to domestic partners registered in California, did not violate Proposition 22, an initiative that defined marriage in California as "one man and one woman"; and

WHEREAS, in response to Judge McMaster's ruling, a group of Sacramento county residents have filed a petition to recall Judge McMaster, claiming Judge McMaster "has become a political activist. [Judge] McMaster reversed the people's vote on Proposition 22 by upholding the marriage-undermining laws of recalled Governor Gray Davis. Over 63 percent of the voters in Sacramento County said marriage rights are only for a man and a woman. Yet McMaster has rejected the will of the voters, abused his discretion, and reduced natural marriage to an empty shell;" and

WHEREAS, the City of Sacramento values domestic partnership benefits for its employees and for the employees of entities that contract with the city of Sacramento, and has, therefore, passed and supported policies that expand the rights and benefits afforded to domestic partners; and

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WHEREAS, an independent judiciary with the authority to declare laws passed by the legislature unconstitutional without fear of retribution from special interest groups is fundamental to the ideals of both the California and United States Constitution; and

WHEREAS, Attorney General Bill Lockyer has stated, "Our system of government cannot function the way our nation's founders intended if the courts are reduced to being political weather vanes;" and

WHEREAS, California Association of Judges President James M. Mize has warned, "the justice system as we know it would be destroyed" if the recall of Judge McMaster prevails; and

WHEREAS, the recall of Judge McMaster would force the county of Sacramento to spend at least \$2.5 million on a special election. During this time when both the city and county of Sacramento are facing budget shortfalls, any outlay of tax payer money for a special election would be detrimental to county services including law enforcement and emergency services that citizens of Sacramento rely upon; now therefore, be it

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Sacramento, that we do hereby oppose any attempt to recall Justice Loren McMaster from the Sacramento County Superior Court; and

BE IT FURTHER RESOLVED, that the City of Sacramento values an independent judiciary as an integral part of how the city functions, and will work to protect the judiciary from being transformed into a state where justices make decisions not based on the rule of law but because of fear of retribution.

HEATHER FARGO

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MAYOR

ATTEST:

SHIRLEY CONCOLINO

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CITY CLERK

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11/28/05