

# Opinion: Constitution trumps public opinion

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A national audience was treated to a fascinating debate Monday on Proposition 8, broadcast live from the old appeals court building in San Francisco before a federal three-judge panel. Passed by voters 52 percent to 48 percent in 2008, that constitutional amendment eliminated the right of same-sex couples to marry in California.

Regardless of the outcome in the courts, state Sen. Tom Harman, R-Huntington Beach, who was a 2010 primary candidate for attorney general, has a legislative agenda.

Asserting that "direct democracy" through the initiative process is "under siege," he plans to introduce what he's calling the "Ballot Box Defense Act." It would require California's attorney general to defend any voter-approved initiative or constitutional amendment.

Just what is the problem he's seeking to solve? In a Saturday opinion piece in The Bee, he notes that Attorney General Jerry Brown declined to defend Proposition 8 in court. "As an expression of the people's will, initiative statutes should be shown deference by California's elected officials and zealously defended when challenged in court," Harman wrote.

Hmmm. Doesn't California's attorney general, the state's chief law officer, have the duty to uphold the California Constitution?

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