

Calif. gay, lesbian lawmakers decry Prop. 8 ruling

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Disappointment, anger, resolve, fear, sadness and virtually every other conceivable emotion were visible on the faces of marriage advocates on Tuesday when the California Supreme Court's decision to uphold Proposition 8 was announced.

"I kept telling people, 'You know what's going to go down. It's not going to be so bad,'" Eva Paterson, president of the Equal Justice Society, told a packed press conference in San Francisco City Hall just minutes after the decision. "But as soon as I heard the decision, I started to cry. It is wrong, it is cowardly. As a black person, you can't tell how many times I've gotten up in the morning to hear bad decisions like this."

About 100 Prop 8 supporters and perhaps ten times as many Prop 8 opponents were gathered outside the court building by the time the justices were ready to announce their decision. Hard copies of the 136-page decision were handed out one-by-one to a line of waiting spectators. Activists began a voracious chant of "Shame on you!" once news of the decision reached Prop 8 opponents.

There was no counter chant.

Activists discussed what they think the ruling means at a press conference with the plaintiffs.

"This court diminished today its own legacy," ACLU attorney Elizabeth Gill said. "The danger of the system the majority justices' decision envision in allowing Prop 8 to stand shows how the electorate can be so easily persuaded to vote away the rights of a minority. As others have said, we can win this battle, but (now) we have to win it politically."

Shannon Minter, legal director of the National Center for Lesbian Rights, said LGBT Californians should know "You are all entitled to equality. No court decision can change that truth; it can only fail to recognize that truth."

"The court sidestepped its responsibility," he said. "(Dissenting) Justice (Carlos) Moreno got it exactly right. This decision is devastating and overwhelming."

San Francisco City Supervisor Bevan Dufty told EDGE the question of the amendment process coming so quickly after California voters rejected the legislature's efforts to extricate the state from its financial mess through special election measures gives "a sense that the state is adrift" and "caught in a gridlock" that may only be resolved through a constitutional convention.

"This decision feels like a real betrayal," Dufty said. "I think we all expected this coming out of the oral arguments, but in the intervening months there was a glimmer of hope because of what has happened in other states. I don't think the next generation of LGBT people should have to be going back to a ballot box battle every year just to win back their basic civil rights."

San Francisco City Attorney Dennis Herrera noted the city's role in the judicial process ends now because the issue moves back into the political arena. He added, however, he hopes

supporters of marriage for gays and lesbians would soon have a reason to party again. And he did not mince his words about what he thought of the justices' decision.

"Today we are faced with a disappointing decision, but we know it could have been worse," Herrera said. "(Prop 8 attorneys) did not succeed in their effort to unweave 18,000 lawfully married couples. The decision last year established protections; those protections remain untouched."

Kate Kendall, executive director of the National Center for Lesbian Rights, also expressed optimism as she echoed others who criticized the decision.

"It is impossible to square the elation we felt just a year ago with the grief we feel today," she said. "It tarnishes that landmark decision. But it is clear that this is not the end. We have already seen a sea change in public opinion in places we would not imagine. California has been at the forefront of equality and fairness. Mark our words: We will be again."

Equality California Executive Director Geoff Kors added organizations would now focus on deciding on the language and the timing of the anticipated election challenge to undo Prop 8 in 2010. Andrea Shorter, coalition coordinator for EqCa, added her organization will enlist thousands of clergy from across the state over the next 100 days.

"Our ambassadors will have over 300,000 conversations all over the state, letting people know that domestic partnerships and civil unions are not marriages," she said. "We will have a different campaign, a grassroots campaign with Harvey Milk values. We will tell the story of families."

Within an hour of the decision, activists were already in the quiet Castro with petitions that urged them to support a Prop 8 challenge at the ballot box.

"I sort of expected it," Katie Hom, a 20-year-old straight student at San Francisco City College said as she flagged down pedestrians to get them to sign. "But it was still very disappointing. All my friends are gay. I don't know how anyone can think you can just vote away the basic rights of others. This morning I saw a woman at Fifth and Market (Streets) just crying her guts out. It hurts."

Though there were no early afternoon demonstrations in the Castro, the decision was still the hot topic of lunchtime conversations.

"Absolutely," Tom Vorhies of Sacramento, who has been with his partner for 19 years, said over his salad at the Sausage Factory when asked if he would get involved in the effort to restore marriage to gays and lesbians. "That definition of one man and one woman doesn't belong in the Constitution."

Troy Mitchell of Stockton moved to California a year ago with his partner. They could have tied the knot, but didn't.

"We just moved here from Utah and we're both from a Mormon background," he said. "We were used to being in the closet. My partner wasn't ready back then. But now, after being in California a year, it's different."