Taking the Long View: Reflections on the Road to Marriage Equality

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The phone rang at about 3:15 in the afternoon, two days before Valentine’s Day. My partner’s voice on the other end sounded breathless and excited. “They’re issuing marriage licenses at City Hall. The clerk’s office closes at 4:30 – you have to hurry – they might get an injunction tomorrow.” I sat down and tried to process this information. Marriage licenses? The real thing? I knew this was the day of the annual protest, when gay couples headed to City Hall to ask for marriage licenses, only to be turned away by often apologetic city officials. It sounded like this year, we were to get more than we bargained for – showing up for a protest and ending up at our own very unexpected wedding.

Fifteen minutes later, I was rushing down Park Boulevard towards the BART station, checking in the rearview mirror to be sure I had remembered to put shoes on our 17-month-old son, Theryn. He giggled at my reflection, surely wondering what adventure we were on to now. “We’re going to see Mommy,” I assured him, prompting a smile and a kick of his feet. “We’re getting married,” I said, half to myself, tears of joy and excitement filling my eyes.

At Civic Center, the old man reading his paper and the homeless woman feeding the pigeons looked up and stared as I dashed by at full tilt, pushing the stroller with my very excited toddler inside. I am not exactly the running type, so Theryn had probably never traveled quite so fast in his stroller, at least when Mama was pushing it. With only ten minutes before closing time at the clerk’s office, I knew every second would count. Huong met me outside on the steps of City Hall, greeting me with a huge kiss and tears in her eyes. “We have a number, and they are keeping the office open until they get through everybody,” she said, grabbing the stroller to haul it up the steps. “Everybody’s here – Susan

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and Kate, Amy and Melissa – everybody’s getting married! I can’t believe it!”

As we walked through the rotunda, I couldn’t believe it either. Lines of couples snaked around the hall, patiently waiting their turn to exchange vows. A few people had come in wedding clothes or had the presence of mind to bring flowers, but most looked like they, too, had just jumped up from their desk or grabbed the baby and a sippy cup and dashed down to City Hall, without much thought as to what they were wearing or any of the normal formalities of a wedding. Huong was right; it seemed that everyone was there. We couldn’t walk twenty feet without running into another couple we knew.

But the most incredible part of the whole scene was not the sights of the long lines or the sounds of vows being exchanged over and over, as the many marriage officiants stationed around the hall struggled to keep up with the growing crowd. What made it truly amazing was the overwhelming emotion that filled the building. I could sense it in my body: A powerful combination of love, excitement, and hope that leaked from every pore and jumped from every glance as people looked around at one another in almost disbelieving happiness. It was the awed joy of a people who for so long had been told that they, their families, and their relationships were less-than inferior. We suddenly found ourselves walking into full citizenship and equality under the law.

How strange, that a piece of paper and a hurried ceremony at City Hall could mean so much, could move us so deeply. We knew, as we entertained Theryn in the crowded clerk’s office and laughed at the required pamphlet on birth control we received with our license, that the simple joy of this day would not last. We knew, as we witnessed our friends’ ceremonies and held out their mobile phones so parents could listen in, that justice is never easy, and rarely that simple. We knew, as we embraced our son and clasped hands to exchange marriage vows, that this one sweet day was not an end, but a beginning. We took the long view, understanding that much hard work, and many setbacks, lay ahead on the road towards equality.

What we did not fathom at the time was how far the impact of that day would carry. In the weeks that followed, city employees and officials worked overtime performing marriage after marriage for the thousands of couples who waited hours and slept overnight in the biting cold for the chance to be legally wed. Families and couples flew from across the country, and even overseas, to join the throng waiting for marriage licenses. Hundreds of people from the Midwest and around the country were so moved by the outpouring of love they saw on television that they sent bouquets to be given out to couples waiting in line.1 By the time the California Supreme Court enjoined San Francisco from issuing more licenses on March 11, 2004, over 4000 couples had been married.2

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The issue exploded on the national scene. Although Massachusetts had been poised for months to begin issuing marriage licenses to gay couples in May 2004, the images from San Francisco brought the issue front and center, sending the anti-gay opposition into overdrive. President George Bush campaigned for a constitutional amendment to ban gay marriage, and groups scrambled to place anti-gay-marriage initiatives on the November ballots in eleven states.

We knew on that chilly day in February when we exchanged vows that events with such moral power and emotional resonance always generate an equally forceful backlash. It did not make it any easier to endure when it came. On nights when we felt strong enough, we would tuck our son into bed and sit down to read or watch the news, shaking our heads at the endless explanations of how our relationship was destroying the sanctity of marriage and the fabric of society, and how children would suffer such harm from being raised in a household like ours. Many times, we felt thankful that Theryn was not yet old enough to understand the vicious accusations and outright lies being told about our family. We wondered how so many people could think it worthwhile to devote so much energy and money to tearing another family down, to ensure that they did not have the legal and social protections that others enjoy. We watched with sadness, but little surprise, as the California Supreme Court invalidated our marriage license along with over 4000 others on August 12, 2004, 6 months to the day after I rushed to meet Huong on the steps of City Hall. And we cried when we awoke on November 3 to discover that not only had President Bush been re-elected, but that all eleven anti-gay-marriage initiatives on state ballots around the country had passed.

It is not the first time we have endured such a backlash, and it almost certainly will not be the last. Five years ago, I had the privilege of editing Volume 15 of the Berkeley Women's Law Journal, which included a Commentary piece on California's Proposition 22, an anti-gay marriage initiative passed in 2000. My memories of that time are in many ways similar to what we have been through this past year. They involve anger, sadness, and pain, but also overwhelming personal joy.

During that rollercoaster year, BWLJ was a place to hunker down and weather the storm, as the political became very, very personal. The support that I received from fellow Journal members was unwavering, and I remember crying on many shoulders in the Journal office when the hatred filling the

5. See Lockyer v. City & County of San Francisco, 95 P.3d 459 (Cal. 2004); Dean Murphy, California Court Rules Gay Unions Have No Standing, N.Y. TIMES, Aug. 13, 2004, at A1.
7. Toni Broaddus, Vote No If You Believe in Marriage: Lessons From the No on Knight/No on Proposition 22 Campaign, 15 BERKELEY WOMEN'S L.J. 1 (2000).
airwaves became too much to bear. On one particularly bad day, we learned that a Boalt professor whom I trusted and respected had signed on to a public statement opposing gay marriage, claiming that allowing gays to marry would "introduce unprecedented moral, social and legal confusion into our communities" and "[undermine] the causes of freedom, equality, justice and human rights." BWLJ was quick to voice its support for the many Journal members and other Boalt students who felt outcast and betrayed by this attack that came so close to home.

In addition to providing solace and support during the anti-gay campaign, the Journal provided a constant reminder that we were not alone in our struggles against bigotry and oppression. BWLJ tried to share support and resources with organizations of students of color, whose ranks had been decimated by the end of affirmative action. We learned, as we reviewed submissions, about the struggles and triumphs of women far beyond the confines of Boalt Hall. In this way, the Journal became a way to step back from the maelstrom surrounding us, to take a longer view, and to know that the fight against Proposition 22 was just one in a tapestry of battles against injustice being fought across history, in countless communities.

Overlying my memories of the political turmoil of that year are memories of great personal joy. Huong and I decided to tie the knot in the summer of 2000, after being together for five years. While engaged, we worked against Proposition 22, raising money and organizing educational forums and postcard campaigns, all the while doing the normal wedding planning of choosing menus and picking flowers, sending invitations, and meeting with our minister for premarital counseling. Our anger at the slick rhetoric and subtle bigotry of the anti-gay forces behind the proposition was powerful, but it could not overshadow the joy we felt at taking this momentous step in our lives together. When we finally exchanged vows before friends and family that August, it was not a political act, but a deeply personal one, borne of the love we felt for one another and the commitment we were ready to make.

Remembering that time and the five years that have passed since then lends perspective to the more recent events of last year and the backlash that has followed. For us, taking the long view has meant holding fast to our strength as a family and refusing to be defined or limited by the battles we have lost. While the pain of watching our state pass an anti-gay initiative has faded with time, the strength of our marriage has not. I can read the Commentary piece on Proposition 22 with a lingering sadness, but without the tears of anger and frustration I remember shedding as I first read it in the Journal office five years

ago. Our family has endured the political ebbs and flows since that time, and our joy has multiplied beyond imagination with the birth of our first son in 2002, and our eager anticipation of our second son, due in April of this year. While we suffer the tax penalties, legal disadvantages, and daily indignities of being unable to legally marry, those things ultimately cannot shake the foundation of our lives together as a family: the love we share. Taking the long view, we know this truth: that even a constitutional amendment could not silence our living, nor shake the love and strength we hold as a family.

Interestingly, it is our church that has helped to give us the strength to endure the politics of hate, and the perspective to take the long view in our road to equality. We are one of several gay families in our predominantly heterosexual congregation. For us, the church has been a safe haven, a community centered on doing good, seeking justice, and alleviating suffering in the world.

Unfortunately, the recent history of faith in politics has been one of shrill domination by right-wing Christian fundamentalists. Their agenda of outlawing abortion and enshrining legal discrimination against gays and lesbians has become so familiar and ubiquitous, that for some those positions have become synonymous with "moral values." It is undeniable that religion played an important role in the last election and will continue to do so into the future. It is likewise undeniable that the gay community, and progressives in general, cannot afford to allow Christian fundamentalism to remain the only faith-based voice on the political and legal scene.

For our movement, taking the long view means never forgetting that our victories must come in the legal arena, but also in the hearts and minds of those who do not know us. This battle that may be won in the courtroom could also be lost at the ballot box, through ultra-conservative politicians making judicial appointments, and even by an amendment that would mandate discrimination as the highest law of our land. While we must continue to champion the principle that one group's religious beliefs cannot dictate the civil rights of others, we must also remember that in the battle for hearts and minds, religious faith is a central compass of morality for many people.

By reframing the debate on "moral values" and embracing the emerging voices in Progressive Christianity and progressive wings of other religious traditions, we can provide a principled faith-based argument for the dignity and equality of all families. This means insisting on real discussion of values central to Christianity and many faiths, including alleviation of poverty, care for the sick and elderly, justice for the oppressed, and inclusion of the outcast. It means investing resources to encourage a shift in religious thought away from right-wing extremism and to turn the tide of fundamentalism in this country. Though the task may seem impossible, it is not, for beneath an edifice of inflexibility lies the reality of constant change and evolution in religious thought, inextricably bound up with cultural change and progress.
For our family, taking the long view has meant holding fast to our vision of ourselves and our strength in community throughout the highs and lows of rapid change and backlash that have characterized the last several years. The movement for marriage equality has taken the long view by investing in long-term strategies and continuing the difficult work of legal and social change, long after the lights have faded and the camera crews have gone home. It is essential that this long-term work include a recognition of the power of religion in the battle for hearts and minds, and a willingness to foster the emerging voices of progressive religious thought and restore a balance to what has become a one-sided public diatribe on faith-based moral values. Such long-term vision and investment will move us forward towards the day when full citizenship and equality under the law will not be a fleeting emotion on a day of civil disobedience, but a permanent reality in the lives of all our families.