

Proposition 8 Review

By [Melissa Guy](#)

Published on March 11, 2009 at 1:00 p.m.

On March 5, 2009, the [California Supreme Court](#) in [San Francisco](#) heard arguments both for and against the overturning of [proposition 8](#), the law that legally prevents marriage between same-sex couples. The [review](#) is the latest development in a long-running battle over the right for same-sex couples to [legally marry](#) and have their marriage recognized in [California](#).

A [May 15, 2008, vote](#) granted same-sex couples permission to legally marry, holding “that the California legislative and initiative measures limiting marriage to opposite-sex couples violate the [state constitutional rights](#) of same-sex couples and may not be used to preclude same-sex couples from marrying.”

This decision was overturned in a vote on November 4, 2008, which passed proposition 8, an amendment to the constitution which restricted the definition of marriage to only relate to opposite-sex couples. The amendment consisted of 14 words: “Only marriage between a man and a woman is valid or recognized in California.” It was put into effect the next day.

[Brian Frederick](#), 39, a law student and leader in [Long Beach’s](#) lesbian gay bisexual transgender ([LGBT](#)) [community](#), was shocked into action by this decision. “Initially I didn’t foresee myself having any role in all of this,” he says. “To be honest there were people in Long Beach who were much more active in trying to spread the word, but when I saw the numbers, how close the vote was, it was depressing.”

The result inspired a text message to be sent out suggesting a November 7 [march](#) along the [Broadway corridor](#)— the LGBT center of Long Beach. “I forwarded it to everyone I knew,” Brian says. “I got on [Facebook](#), [Myspace](#), sent out emails. I even made up a flyer. By that night I was getting the text message back from people I didn’t even know. It was viral.”

Brian says the march far exceeded expectations. “We expected maybe 300 people, but there were thousands. Some say three, some say five or six. It woke Long Beach up.”

Similar marches were held all over the state, and a flood of [petitions](#) questioning the validity of the amendment—which many argued was actually a revision—were filed to the Supreme Court. This led to the [November 19, 2008, announcement](#) that the court would review the decision.

In the time leading up to the review, Brian says the main objective was to keep people alert and aware of what was going on. In an attempt to keep the issue in everyone’s minds, Brian began sending out text messages every time he saw support for the LGBT community. “Every time I see support for [‘No on 8’](#), like a bumper sticker I send out a

love message to my friends. Every now and then I get a message saying ‘I love you’, so I know people are still thinking about it.”

This was confirmed on March 4, 2009, as all around the state people turned up at peaceful rallies and [candlelight vigils](#) to show their support on the eve of the review hearing.

Despite the strong support to overturn proposition 8, there is still opposition, particularly from the [Mormon Church](#), which has injected approximately [\\$40 million](#) into the campaign to uphold proposition 8.

“There is still a lot of ‘[yes on 8](#)’ propaganda,” Brian says. “I passed a church once that had a sign out the front saying ‘conditioning children is their objective.’”

Donna Hurt, 37, is a member of the [Long Beach Church of Jesus Christ of the Latter Day Saints](#). She has participated in the Mormon Church’s campaigning against same-sex marriage “because of a strong belief in the family of a father and a mother and children,” she explains. “Men and women have innate differences, whether gay or straight. There are just biological, logical differences. Women are more nurturing,” she concludes.

Many followers of various other religions have taken a less conservative stance, becoming allies to the LGBT community and speaking out against what they believe to be out-dated ideals. “I believe that proposition 8 is unfair and unconstitutional,” says Shawn Hillins, 21, a [Christian](#) student at [CSULB](#). “There are millions of dollars being spent to prevent society from breaking down prejudices and moving forward. It’s ridiculous, they’re spending money to push [discrimination](#) when so many people can’t even feed their families right now.”

Donna, however, does not believe that the funds raised could have been better spent helping families struggling in the current [financial crisis](#). “One might think that,” she says. “But I really believe that children do better when raised by a mother and a father, so it will have long-term ramifications. It’s the same thing as women joining the workforce—they were forced to when the men went to war. It didn’t help the economy, now it takes two people to work and support a family.”

Donna clarifies her position, stating, “I only believe that same-sex couples shouldn’t marry. I don’t mind them receiving monetary or legal rights in their partnership.”

Brian believes the fight for the legal right for same-sex couples to marry is largely a matter of principle at this point. He and his partner have discussed a commitment, but don’t feel it needs to be called a marriage. Those in [domestic partnerships](#), such as Brian’s mother, are afforded many of the same benefits as those who are married. “But it’s the principle of extending a right to one group, and not to others,” he explains.

Following the March 5 hearing, the Supreme Court has made strong indications that they will most likely uphold proposition 8, but continue to recognize the 18,000 same-sex

marriages that took place between May and November last year. This has caused concern regarding the potential for such a decision to create a minority within a minority. If proposition 8 is not overturned, the state plans to hold another ballot in 2010, but for Brian this is too long to have such inequality. "How can you have a privilege extended to some members of a group but not to others?" he asks. "It has to be all or nothing. If you can't support it fully then you can't support it at all".

Brian points out that during the review, many comments were made about concern that growing up with same-sex parents may cause children to have an identity crisis. They did not, however, mention the children in families where the parents were not allowed to get married, and the confusion that knowing other same-sex couples who were married could potentially cause.

With no particular date set for the Supreme Court to release its decision, it is now a matter of waiting and hoping. "We have to be ready to have a celebration or a protest at a moment's notice," Brian says. "There are three possible outcomes. If they completely uphold it and choose not to recognize previous marriages I think we will see some civil disobedience, possibly rioting. If they uphold it but recognize the marriages there will be protesting. If they overturn it completely, I think there will be the biggest celebration in the gay community that we have seen for a very long time."