

Blacks, Hispanics nixed gay marriage

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The record turnout of black and Hispanic voters played a key role in the victory of President-elect Barack Obama, but in California that same racial and ethnic factor also was instrumental in the passage of Proposition 8, a ballot measure that declares marriage as the union of a man and a woman.

When the voting was over, Proposition 8 had won in 42 of 58 counties in California and was passed by 52 percent to 48 percent.

But while Mr. Obama opposed the measure to reverse a California Supreme Court decision that declared gay marriage a right, his loyalists saved it, marshalling a victory for the traditional, conservative view of marriage.

“Really, Hispanic and black voters in California passed Proposition 8,” said Andrew Pugno, general counsel of ProtectMarriage.com, which backed the amendment.

“Inner-city black neighborhoods voted stronger for Prop. 8 than the Republican suburbs. An amazing analysis,” Mr. Pugno continued.

Blacks voted 70 percent in favor of Proposition 8, and slightly more than half the Hispanic voters backed the measure, according to exit polls released by the National Election Pool. And those voters were adamant.

“We shouldn’t do anything to jeopardize the future of our family and our children,” said Frederick K.C. Rice, an elder with the Crenshaw Christian Center in Los Angeles, which joined a thousand other black and Hispanic congregations with about 3 million followers in public support of Proposition 8.

“Religion trumps politics,” noted pollster Mark DiCamillo of the California-based Field Research Corp.

But the vote doesn’t end the matter, gay rights advocates say.

“No one’s religious beliefs should be used to deny fundamental rights to others. Our civil rights are inalienable,” said Lorri I. Jean of the Los Angeles Gay and Lesbian Center, who called support of Proposition 8 “religious bigotry.”

Since the measure was passed, thousands have demonstrated in the streets of several California cities, including the 5,000 placard-carrying protesters who fanned out through Hollywood and clogged Santa Monica Boulevard. The demonstrations will continue, organizers said, with a few showbizzy trimmings.

Singer Melissa Etheridge - who wed her girlfriend, actress Tammy Lynn Michaels, in Malibu five years ago in a ceremony not sanctioned by the state - says the ban on same-sex marriage means she doesn't have any civic duties.

"I am taking that to mean I do not have to pay my state taxes, because I am not a full citizen," she said Friday. "There is a lot I can do with the extra half a million dollars that I will be keeping instead of handing it over to the state of California. Gay people are born every day. You will never legislate that away."

Some hope they can litigate Proposition 8 away, however. The day after Election Day officials with San Francisco, Los Angeles and Santa Clara County filed a brief asking the California Supreme Court to invalidate Proposition 8.

California's constitution does not allow "a bare political majority" to use the amendment process to divest politically disfavored minority groups of constitutional rights, said San Francisco City Attorney Dennis Herrera.

The American Civil Liberties Union, Lambda Legal and the National Center for Lesbian Rights filed a similar petition, arguing that since the public can only use the initiative process to "amend" the state constitution not "revise" it, Proposition 8 was not validly passed.

Mr. Pugno called the lawsuits "frivolous," and vowed to keep on the defense. "These same groups filed an identical case with the California Supreme Court months ago, which was summarily dismissed. We will vigorously defend the people's decision to enact Proposition 8," Mr. Pugno said.

"This lawsuit is a brazen attempt to gut the democratic process," said Glen Lavy of the Alliance Defense Fund, another Proposition 8 supporter. "No structural revision to the state constitution has taken place here. The people have simply restored the definition of marriage that the constitution has always assumed," Mr. Lavy said. Proposition 8 is not spelled out as applying retroactively, so the question of whether the estimated 16,000-plus gay marriages conducted between June and Election Day remains open.

Some gay rights groups are getting back to business. They have thanked their supporters, lamented passage of the amendment and started steering their allies to the new Obama administration.

"At the National Gay and Lesbian Task Force, we're picking ourselves back up, dusting ourselves off, and getting right back into the fight for our equality and freedom," said Rea Carey, the group's executive director.

Legislative goals include ensuring that government programs in health, family issues and tax policy are inclusive of all sexualities, she said.

Also of interest are passing the Employment Non-Discrimination Act, overturning the “don’t ask, don’t tell” military policy, repealing the federal Defense of Marriage Act, enact aggressive hate-crimes legislation, and improving the national strategy on HIV/AIDS.

The passage of Proposition 8 sparked at least one call for change in gay political strategy. “Too many gay heads are too strategically locked into a litigation-based mindset that has become counterproductive,” said analyst Jonathan Rauch of the Independent Gay Forum.

“We’re going to have to persuade these people that gay marriage is a good idea. Too many people forget that Martin Luther King was a persuader, not a litigator, and that the real breakthroughs came through Congress, not courts.”

California was not alone Tuesday in passing amendments against gay marriage. Voters in Florida and Arizona also agreed to amend their constitutions and define marriage as the union of one man and one woman, bringing to 30 the number of states with similar measures.

In California and Florida, proponents of traditional marriage collected hundreds of thousands of signatures to get the amendments before voters; in Arizona, lawmakers put the measure on the ballot.

All three states had vigorous campaigns. In fact, the battle over California’s Proposition 8 attracted more than \$73 million in campaign funding, making it one of the most expensive races in the country. All three amendments won, but the California race was the tightest with a 52 percent victory.